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No. 99

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

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DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 26, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

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PRAYER

The Reverend C.F. McDowell, III, Baptist's Children's Homes of North Carolina, Thomasville, North Carolina, offered the following prayer:

Almighty God, You are worthy of our time and attention as we begin this day.

For each person in this Chamber, may these moments represent a day full of the blessings of Your loving presence, amazing grace, guiding hand, sustaining strength, and perfect wisdom.

May each of us as Americans fulfill the hope of the late Dr. Peter Marshall in casting off all Pharisaical garments, laying down the overcoats of smug complacency, putting aside self-interest and pride, and become truly righteous so that America might rise to her God appointed destiny of world leadership.

May Thy will be done in this place today above party and personality for the good of every American, peace in the world, and Your glory. Amen.

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THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. WELLER) come forward and lead the House in the Pledge of Allegiance.

Mr. WELLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2614) "An Act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, and Mr. KERRY, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 106-65, the Chair, on behalf of the Democratic Leader, and in consultation with the Ranking Member of the Senate Committee on Armed Services, announces the appointment of Alan L. Hansen,

AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

f

INTRODUCTION OF REVEREND C.F. McDOWELL III

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute.)

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I recognize the gentleman who is today's guest chaplain, the Reverend C.F. McDowell, III, who just offered our prayer.

A native of Greensboro, North Carolina, Reverend McDowell currently serves as executive vice president of Special Ministries for the Baptist Children's Homes of North Carolina.

He is immensely involved in community, civic and church-related activities, and he has served the citizens of North Carolina through his decision, dedication, and determination.

He is a man of decision who has provided support and guidance to many, including myself, and many others in many communities throughout North Carolina.

He is a man of dedication who has provided a positive example for all to follow and whose hope he shares with many, especially young people and children, now in his current position.

Finally, he is a man of determination who understands that we face challenges every day, not only as families, but also as a Nation, challenges that will define our future.

Reverend McDowell is one of those special folks that provides advice and guidance to those seeking answers to life's most difficult questions and problems.

Mr. Speaker, Reverend McDowell has spent his entire life serving people. So it was very appropriate today that he came from North Carolina to join us here in the people's House to provide us with keen insight, a man of decision

b This symbol represents the time of day during the House proceedings, e.g., b 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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and dedication and determination who is, indeed, I am sure my colleagues will agree, his words in his prayer offered up to God have blessed us and will bless us in this day of decision and dedication and determination for all of us and for America.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 15 one-minute speeches on each side.

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TAX RELIEF WILL HELP THE AMERICAN FAMILY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today is just another typical Wednesday for the average hard-working American family because, Mr. Speaker, millions of hard-working people will punch a time card at work in order just to put food on the table and clothes on the back of their children.

Yet, every day, the IRS takes far more than its fair share out of the average American's paycheck.

The continual greed of a bloated and inefficient Washington bureaucracy is being financed on the back of hard-working Americans.

Mr. Speaker, by providing meaningful tax relief, parents will not have to spend their extra time at a second job to make ends meet. Instead, these hard-working parents will have more time to spend with their kids or to lend time to their elderly family members.

Tax relief can bring about a family renewal.

I am proud to be a part of a Republican Congress dedicated to helping American families by keeping Washington in check, balancing the budget, paying off the national debt, protecting Social Security, strengthening Medicare, and reducing taxes on every hard-working American. Thank you and I yield back.

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PALESTINIANS NEVER MISS AN OPPORTUNITY TO MISS AN OP- PORTUNITY

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as has happened so often before, the Palestinians never miss an opportunity to miss an opportunity.

The President and the Secretary of State may be constrained by diplomatic protocol, but those of us in this House who follow these events are not. This summit collapsed because Yasir Arafat refused to budge. I pay high tribute to the President and his team. I pay high tribute to Prime Minister Barak, who has gone way beyond any-

thing that anybody could rationally expect in terms of compromise and giving.

I deplore that Egypt and Saudi Arabia again encourage the most intransigent position possible on Arafat.

Today, I am introducing legislation that would terminate all aid to the Palestinian Authority if a unilateral declaration of independence should be forthcoming. Such a declaration would mean new violence, and we cannot be party to it. I encourage all of my colleagues to join me.

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BORN ALIVE INFANTS PROTECTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, ever since *Roe v. Wade*, Americans have debated the question, When does life begin? Some of us believe it starts at conception, others at viability, and others, amazingly, not until birth.

But once a baby has been born, everyone agrees life has begun, and this baby is a new human being with all his or her God-given rights.

Well, what was once obvious seems to have been called into question lately. The Supreme Court shocked America recently by ruling that States may not ban partial birth abortions. Now we are hearing stories of children being born alive in abortion clinics and then left to die.

H.R. 4292, the Born Alive Infants Protection Act, codifies in law that, once a baby is born, it is legally alive. Unbelievably, the National Abortion Rights Action League and their allies call this a renewed assault on *Roe*. What they really mean to say is that, when a doctor botches an abortion and the child is born alive, the doctor should still have the right to kill it. How far we have fallen, Mr. Speaker?

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INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, this weekend I brought together international leaders at a luncheon in London to discuss the problem of international parental child abduction. This is an issue that touches families everywhere and an issue, to be solved, needs to be addressed everywhere. The luncheon was very productive, and I hope that it will lead to action by my foreign counterparts. National boundaries are no barrier to the transportation and victimization of children.

Today, there is no enforceable global system to attack and address this problem. Despite legal, law enforcement, and diplomatic mechanisms, many cases are not identified. Many children are not recovered. Many children who are located are not returned to their

country of origin due to legal and procedural problems. This situation causes anger, outrage, and pain for searching parents around the world.

Unless urgent and rapid action is taken, more and more children will be denied their most basic right, that of having access to both parents. The challenge is now to find commitment at both national and international levels to implement these actions. Family disputes and divorce will never go away. Parental child abduction, however, must be eradicated.

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OPPOSITION TO H.R. 4892, SCOUTING FOR ALL ACT

(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, the Supreme Court has ruled that the Boy Scouts of America, as a private organization, has the right to set its own standards for membership and leadership. This allows the Scouts to continue developing young men of strong moral character without imposing the mores on them that they find abhorrent.

Would my colleagues like a view of extremist liberal Democrats who seek to control this House? They have filed a bill to revoke the Boy Scouts Federal charter, a blatant attempt to undermine the Supreme Court's ruling and punish the Boy Scouts for their belief.

This bill promotes intolerance. The Boy Scouts respect other people's right to hold differing opinions than their own and ask others to respect their belief. Extremist Democrats believe just the opposite. They believe that if one does not subscribe to their beliefs and their view of the world, then one is intolerant and must be chastised.

These liberal Democrats are in error. Tolerance does not require a moral equivalency. Rather, it implies a willingness to recognize and respect the beliefs of others.

The Boy Scouts are a model of inclusiveness. Today, boys of every ethnic, religious, and economic background, including those with disabilities and special needs, participate in Scouting programs across America.

I urge my colleagues to vote against this extremist measure promoted by liberal Democrats.

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ACCIDENTAL HOSPITAL DEATHS ARE HIGHER THAN ACCIDENTAL GUN DEATHS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, accidental deaths caused by doctors and hospitals in America reached 120,000 per year. Meanwhile, gun deaths have dropped 35 percent. In fact, accidental gun deaths dropped to 1,500 last year.

Think about it. We have got hospitals slicing and dicing American people like Freddie Kruger, and Congress

is passing more gun laws. Beam me up. There is something wrong in America when one is 80 times more likely to be killed by a doctor than Smith & Wesson. Think about it, 80 to 1. Maybe we need a gun in surgery.

I yield back the fact that the second amendment was not written to cover just duck hunters.

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Gore Senior Tax Policy

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, the Austrian philosopher Karl Krauss once wrote, "When the end comes, I want to be living in retirement."

Many Americans in this country feel that way. They put in countless hours anticipating the day when they will retire. Unfortunately, the Clinton-Gore administration sees these benefits as a prime opportunity to grab more money for the Federal Government.

In 1993, the Clinton-Gore administration decided to tax up to 85 percent of the Social Security benefits received by single seniors whose incomes were \$34,000, and married taxpayers, seniors, with incomes exceeding \$44,000.

Worse yet, Mr. Speaker, because these incomes were not indexed for inflation, the tax effects were more dramatic every year for our seniors.

This week the House will vote to end this burdensome tax and give seniors a well-deserved tax break. Seniors have paid their fair share of taxes. It is time we repeal the Clinton-Gore seniors' tax.

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Veterans Right to Know Act

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I rise this morning to commend this body for passing two pieces of legislation yesterday that enhance the benefits of our veterans, H.R. 4850 and H.R. 4864. It does not matter how many benefits we provide our veterans if they do not know what they are entitled to.

Throughout our Nation's history, millions of men and women have served in our Armed Forces during times of peace and times of war. They have defended the very freedoms our country was founded upon.

Too often our Nation's heroes are not adequately informed about what their benefits are and what they are entitled to. This is simply unacceptable.

We have introduced H.R. 3256, the Veterans Right to Know Act; and if anyone has a right to know, our veterans have a right to know. The Veterans Right to Know Act requires the Secretary of VA to prepare an annual outreach plan that will include efforts to identify veterans who are not otherwise enrolled or registered with the Department for benefits or services.

It enjoys the bipartisan support of 72 House members. Veterans have served

this country. We are accountable to our veterans, and we are going to deliver.

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Marriage Tax Penalty Relief Deserves Support

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, have you heard Bill Clinton and AL GORE's latest definition of rich? Bill Clinton and AL GORE say that, if one is married and one is a homeowner or if one is married and one gives money to church and charity and one suffers the marriage tax penalty, one is rich.

Bill Clinton and AL GORE say now that they want to veto the Marriage Tax Elimination Act, legislation which wipes out the marriage tax penalty for 25 million married working couples who, on average, pay \$1,400 more in higher taxes. They say that there are people that are homeowners, there are people that give money to church and charity, and there are people that itemize their taxes, and because of that, they are rich, and they do not deserve marriage tax relief, and they should be discriminated against and should continue to receive and suffer from the marriage tax penalty.

I was so proud when this House passed just this past week legislation wiping out the marriage tax penalty for 25 million married working couples, on average, \$1,400. We made sure, if one suffers the marriage tax penalty, whether one is a homeowner or not, one receives relief. It deserves bipartisan support. I hope the President will change his mind.

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GOP Accomplishments

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, nothing we do in Congress can be accomplished alone. Today I want to thank my colleagues on both sides of the aisle who have worked to make the 106th Congress' record one of accomplishments and not of partisan gridlock.

This Congress has passed some of the most solid education reform ever brought before this body, measures that will give parents and teachers more flexibility to meet students' unique needs. But that is not all. We have also worked tirelessly to pay off our public debt portion of our national debt which is saddling children born this year with a \$13,300 debt burden. Our debt relief measures will save the average household an estimated \$4,000 in interest payments over the next 10 years. Think of what American families can do with \$4,000 in additional income.

The 106th Congress has an agenda for success, and I am proud to be a part of it.

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Big Brother Is Reading Our E-Mail

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, although it is 16 years after the titled date of 1984 in George Orwell's novel of the same name, Big Brother is really here and now he is reading our e-mail. Our constitutional rights to privacy are currently being trampled by government-sanctioned invasions currently over at the FBI. These privacy invasions use today's latest technology through the FBI's Carnivore system which monitors and captures our e-mail without our consent or our knowledge.

What business is it of the U.S. Government what I say in an e-mail to my family and to my friends? We must never knowingly allow any government agency to use our e-mail to do to us today what they did with other technologies to Malcolm X and Martin Luther King yesterday.

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Space Station Teaches Costly Lesson

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, yesterday's lead front page story in the Christian Science Monitor newspaper was headlined, "Late, Costly Milestone for Space Base." It was about the Space Station and U.S. costs now approaching \$100 billion. When this project was first started in 1984, cost projections were only 6 to \$8 billion. This is the old Washington con game: Drastically low ball the cost estimates at the beginning, then spread the project around to as many congressional districts as possible and it will never end.

As the well-respected Monitor pointed out yesterday, "The \$96 billion station is 2½ years behind schedule and costs are burgeoning," meaning still going up. U.S. taxpayers have even had to pay out an extra 3 to \$5 billion to help the Russians participate.

This Space Station will go down in history as the biggest boondoggle this Nation has ever produced. Mr. Speaker, it just goes to show once again that the Federal Government cannot do anything in an economical, cost-effective manner.

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Recognizing El Paso Vet Center

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, I rise to recognize an outstanding institution in

my district, the Department of Veterans Affairs El Paso Vet Center which has served the veterans of west Texas and southern New Mexico for the last 21 years. The center provides quality care to improve the lives of men and women who fought and defended our Nation's security and freedom. These services are provided with incredible compassion and understanding. Through counseling, guidance and rehabilitation programs, the center is an invaluable link between our veterans and the Department of Veterans Affairs. By reaching out to more than 100,000 veterans in the El Paso area, the center makes an incredible difference in our community.

It is veterans programs like this that deserve the full support and appreciation of this institution. Abraham Lincoln once said, "Let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan."

Wars indeed have left behind men and women who need our assistance. As we celebrate the 25th anniversary of the end of the Vietnam War, I am proud to recognize the El Paso Vet Center, an institution that has continuously provided assistance to our Nation's veterans in El Paso.

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THE FLEEING OF UTAH PROPERTY OWNERS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, the U.S. Constitution says that if the Government takes private property, the owner of the property shall receive just compensation. In Washington County, Utah, the desert tortoise was put on the endangered species list. Therefore, the U.S. Government required hundreds of acres of tracts for that habitat. About 30 taxpayers were involved. They did not want to give up their ground. They wanted to keep it. But no, the Federal Government says, "We've got to take that ground for this habitat." And they said, "It's not taking your ground."

And then you ask, "What is it taking?"

"Well," they say, "you can keep your property but you can't put your foot on it. You can pay taxes on your property, but you can't use it. We're not taking your property."

So the Federal Government offered about one-fourth of the value of the ground. Now, is that fair? Is that just? Is that just compensation? I do not think it is.

Tom Brokaw of NBC does a program called The Fleecing of America. He used this land issue saying these poor taxpayers fleeced the American Government when they got it for that price. Well, he got it wrong, as the press normally does. I am just amazed that the media misses one so far. Who

really got fleeced on this, Mr. Speaker? The people who got fleeced were those people that gave up their ground for one-fourth of the value.

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REPUBLICAN ACCOMPLISHMENTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, Democrats are running scared. Their message of fear, class warfare and big government has failed again. Even their own focus groups and polls tell them Americans want the Republican agenda of less taxes, less government and local control.

And who can blame them? Just listen to what the Republicans have accomplished: we have created the longest economic expansion in America's history, balanced the budget, paid down the national debt, saved Medicare, locked away 100 percent of the Social Security surplus, eliminated the Social Security earnings penalty, and eliminated the marriage penalty and death tax. That is just to name a few.

The Democrats have attacked these accomplishments as risky. But I do not think it is risky to give something back to the very Americans who made this country great, the people.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, July 25, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4033, by the yeas and nays;

H.R. 4710, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote after the first such vote in this series.

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BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4033, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 3, not voting 18, as follows:

[Roll No. 439]

YEAS—413

Ackerman
Aderholt
Allen

Andrews
Archer
Armey

Baca
Bachus
Baird

Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehler
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combust
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards

Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall

LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich

Rahall	Shays	Thornberry
Ramstad	Sherman	Thune
Rangel	Sherwood	Thurman
Regula	Shimkus	Tiahrt
Reyes	Shows	Toomey
Reynolds	Shuster	Towns
Riley	Simpson	Trafficant
Rivers	Sisisky	Turner
Rodriguez	Skeen	Udall (CO)
Roemer	Skelton	Udall (NM)
Rogan	Slaughter	Upton
Rogers	Smith (MI)	Velazquez
Rohrabacher	Smith (NJ)	Visclosky
Ros-Lehtinen	Smith (TX)	Vitter
Rothman	Snyder	Walden
Roukema	Souder	Walsh
Roybal-Allard	Spence	Wamp
Royce	Spratt	Watkins
Rush	Stabenow	Watt (NC)
Ryan (WI)	Stearns	Watts (OK)
Ryun (KS)	Stenholm	Waxman
Sabo	Strickland	Weiner
Salmon	Stump	Weldon (FL)
Sanchez	Stupak	Weldon (PA)
Sanders	Sununu	Weller
Sandlin	Sweeney	Wexler
Sawyer	Talent	Weygand
Saxton	Tancredo	Whitfield
Scarborough	Tanner	Wick
Schaffer	Tauscher	Wilson
Shakowsky	Tauzin	Wise
Scott	Taylor (MS)	Wolf
Sensenbrenner	Taylor (NC)	Woolsey
Serrano	Terry	Wu
Sessions	Thomas	Wynn
Shadegg	Thompson (CA)	
Shaw	Thompson (MS)	

NAYS—3

Blunt	Paul	Sanford
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NOT VOTING—18

Abercrombie	Gilman	Stark
Baker	Granger	Tierney
Barton	Jenkins	Vento
Cubin	McIntosh	Waters
Engel	Meek (FL)	Young (AK)
Ewing	Smith (WA)	Young (FL)

b 1049

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on this additional motion to suspend the rules on which the Chair has postponed further proceedings.

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ILLEGAL PORNOGRAPHY
PROSECUTION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4710.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4710, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 4, not voting 18, as follows:

[Roll No. 440]

YEAS—412

Abercrombie	DeMint	Johnson, Sam
Ackerman	Deutsch	Jones (NC)
Aderholt	Diaz-Balart	Jones (OH)
Allen	Dickey	Kanjorski
Andrews	Dicks	Kaptur
Archer	Dingell	Kasich
Armey	Dixon	Kelly
Baca	Doggett	Kennedy
Bachus	Dooley	Kildee
Baird	Doolittle	Kilpatrick
Baker	Doyle	Kind (WI)
Baldacci	Dreier	King (NY)
Baldwin	Duncan	Kingston
Ballenger	Dunn	Kleczka
Barr	Edwards	Klink
Barrett (NE)	Ehlers	Knollenberg
Barrett (WI)	Ehrlich	Kolbe
Bartlett	Emerson	Kucinich
Bass	Engel	Kuykendall
Bateman	English	LaFalce
Becerra	Eshoo	LaHood
Bentsen	Etheridge	Lampson
Bereuter	Evans	Lantos
Berkley	Everett	Largent
Berman	Farr	Larson
Berry	Fattah	Latham
Biggert	Filner	LaTourette
Bilbray	Fletcher	Lazio
Bilirakis	Foley	Leach
Bishop	Forbes	Lee
Blagojevich	Ford	Levin
Bliley	Fossella	Lewis (CA)
Blumenauer	Fowler	Lewis (GA)
Blunt	Frank (MA)	Lewis (KY)
Boehlert	Franks (NJ)	Linder
Boehner	Frelinghuysen	Lipinski
Bonilla	Frost	LoBiondo
Bonior	Gallely	Lofgren
Bono	Ganske	Lowey
Borski	Gejdenson	Lucas (KY)
Boswell	Gekas	Lucas (OK)
Boucher	Gephardt	Luther
Boyd	Gibbons	Maloney (CT)
Brady (PA)	Gilchrest	Maloney (NY)
Brady (TX)	Gillmor	Manzullo
Brown (FL)	Gonzalez	Markey
Brown (OH)	Goode	Martinez
Bryant	Goodlatte	Mascara
Burr	Goodling	Matsui
Burton	Gordon	McCarthy (MO)
Buyer	Goss	McCarthy (NY)
Callahan	Graham	McCollum
Calvert	Green (TX)	McCrery
Camp	Green (WI)	McDermott
Campbell	Greenwood	McGovern
Canady	Gutierrez	McHugh
Cannon	Gutknecht	McInnis
Capps	Hall (OH)	McIntyre
Capuano	Hall (TX)	McKeon
Cardin	Hansen	McKinney
Carson	Hastings (FL)	McNulty
Castle	Hastings (WA)	Meehan
Chabot	Hayes	Meeks (NY)
Chambliss	Hayworth	Menendez
Chenoweth-Hage	Hefley	Metcalf
Clay	Herger	Mica
Clayton	Hill (IN)	Millender-
Clement	Hill (MT)	McDonald
Clyburn	Hilleary	Miller (FL)
Coble	Hilliard	Miller, Gary
Coburn	Hinche	Miller, George
Collins	Hinojosa	Minge
Combest	Hobson	Mink
Condit	Hoefel	Moakley
Conyers	Hoekstra	Mollohan
Cook	Holden	Moore
Cooksey	Holt	Moran (KS)
Costello	Hooley	Morella
Cox	Horn	Murtha
Coyne	Hostettler	Myrick
Cramer	Houghton	Napolitano
Crane	Hoyer	Nethercutt
Crowley	Hulshof	Northrup
Cummings	Hunter	Norwood
Cunningham	Hutchinson	Nussle
Danner	Hyde	Oberstar
Davis (FL)	Inslee	Obey
Davis (IL)	Isakson	Olver
Davis (VA)	Istook	Ortiz
Deal	Jackson (IL)	Ose
DeFazio	Jackson-Lee	Owens
DeGette	(TX)	Oxley
DeLahunt	Jefferson	Packard
DeLauro	John	Pallone
DeLay	Johnson (CT)	Pascrell
	Johnson, E.B.	Pastor

Payne	Sanders	Tauscher
Pease	Sandlin	Tauzin
Pelosi	Sanford	Taylor (MS)
Peterson (MN)	Sawyer	Taylor (NC)
Peterson (PA)	Saxton	Terry
Petri	Scarborough	Thomas
Phelps	Schaffer	Thompson (CA)
Pickering	Schakowsky	Thompson (MS)
Pickett	Sensenbrenner	Thornberry
Pitts	Serrano	Thune
Pombo	Sessions	Thurman
Pomeroy	Shadegg	Tiahrt
Porter	Shaw	Toomey
Portman	Shays	Towns
Price (NC)	Sherman	Trafficant
Pryce (OH)	Sherwood	Turner
Quinn	Shimkus	Udall (CO)
Radanovich	Shows	Udall (NM)
Rahall	Shuster	Upton
Ramstad	Simpson	Velazquez
Rangel	Sisisky	Visclosky
Regula	Skeen	Vitter
Reyes	Skelton	Walden
Reynolds	Slaughter	Walsh
Riley	Smith (MI)	Wamp
Rivers	Smith (NJ)	Watkins
Rodriguez	Smith (TX)	Watt (NC)
Roemer	Snyder	Watts (OK)
Rogers	Souder	Waxman
Rohrabacher	Spence	Weiner
Ros-Lehtinen	Spratt	Weldon (FL)
Rothman	Stabenow	Weldon (PA)
Roukema	Stearns	Weller
Roybal-Allard	Stenholm	Wexler
Royce	Strickland	Weygand
Rush	Stump	Whitfield
Ryan (WI)	Stupak	Wicker
Ryun (KS)	Sununu	Wilson
Sabo	Sweeney	Wise
Salmon	Talent	Wolf
Sanchez	Tancredo	Woolsey
	Tanner	Wu

NAYS—4

Moran (VA)	Paul
Nadler	Scott

NOT VOTING—18

Barton	McIntosh	Tierney
Cubin	Meek (FL)	Vento
Ewing	Neal	Waters
Gilman	Ney	Wynn
Granger	Smith (WA)	Young (AK)
Jenkins	Stark	Young (FL)

b 1057

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MEEK of Florida. Mr. Speaker, on roll-call No. 440, final passage on H.R. 4710, Illegal Pornography Prosecution Act, I was unable to vote. Had I been present, I would have voted "yea."

f

DISAPPROVING EXTENSION OF
MOST FAVORED NATION TRADING STATUS TO VIETNAM

Mr. CRANE. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 99) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 99 is as follows:

H.J. RES. 99

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress does not

approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 2, 2000, with respect to Vietnam.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, July 24, 2000, the gentleman from Illinois (Mr. CRANE) and a Member in support of the joint resolution each will control 30 minutes.

Is there a Member in support of the joint resolution?

Mr. McNULTY. Mr. Speaker, I claim the time in support of the joint resolution.

The SPEAKER pro tempore. The gentleman from New York (Mr. McNULTY) will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 15 minutes of my time to my colleague, the gentleman from Michigan (Mr. LEVIN), and I ask unanimous consent that he be allowed to yield further blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.J. Res. 99.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

b 1100

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 99 and in support of Vietnam's Jackson-Vanik waiver. Over the past decade, the United States has taken gradual steps to normalize our bilateral relations with Vietnam. This process has borne tangible results on the full range of issues on our bilateral agenda including increased accounting of our missing in action, MIAs; substantial progress on remaining immigration cases; and increased trade and investment opportunities for U.S. firms and workers.

The paramount issue in our bilateral relationship with Vietnam remains the fullest possible accounting of MIAs. Since 1993, 288 sets of remains of U.S. servicemen have been repatriated and fate has been determined for all but 41 of 196 persons associated with last known-alive cases.

Future progress in terms of the ability of U.S. personnel to conduct excavations, interview eye witnesses and examine archival items is dependent upon continued cooperation by the Vietnamese.

On immigration, the central issue to the Jackson-Vanik waiver, more than 500,000 Vietnamese citizens have entered the United States under the or-

derly departure program in the past 10 to 15 years. As a result of steps taken by Vietnam to streamline its immigration process, more than 98 percent of cases in the resettlement opportunity for Vietnamese returnees have been cleared for interview.

Currently, Vietnam has agreed to help us reinstate a refugee program for former U.S. Government employees.

Earlier this month, the administration concluded a bilateral trade agreement with Vietnam that will serve as the basis for a reciprocal extension of normal trade relations once it is transmitted and approved by Congress. The trade agreement contains provisions on market access in goods, trade in services, intellectual property protection and investment which are necessary for U.S. firms to compete in the Vietnamese market, the 13th most populous in the world. Because Congress has not yet approved a bilateral agreement, the effect of the Jackson-Vanik waiver at this time is quite limited, enabling U.S. exporters doing business in Vietnam to have access to U.S. trade financing programs, provided that Vietnam meets the relevant program criteria.

At this time, I would insert into the RECORD a letter I received from over 40 trade associations supporting Vietnam's Jackson-Vanik waiver as an important step in the ability of the U.S. business community to compete in the Vietnamese market.

July 19, 2000.

Hon. PHILIP CRANE,
U.S. Congress,
Washington, DC.

DEAR REPRESENTATIVE CRANE: As members of the American business and agricultural community, we strongly support action to normalize trade relations with Vietnam. Renewal of the Jackson-Vanik waiver is a key step in this process. We oppose H.J. Resolution 99, which would overturn the waiver, and urge you to vote against the resolution when it comes to the floor Wednesday, July 26, 2000. Renewal of the Jackson-Vanik waiver will ensure that U.S. companies and farmers exporting to Vietnam will maintain access to critical U.S. export promotion programs, such as those of the U.S. Export-Import Bank, the Overseas Private Investment Corporation, and agricultural and maritime credit programs. Ultimately, the Jackson-Vanik waiver, plus the bilateral trade agreement, will lead the way for normal trade relations, enabling American companies and products to compete effectively with European and Asian companies and products in the Vietnamese market.

Important progress in the bilateral relationship has been made this year. The agreement on trade relations between the U.S. and Vietnam has just been successfully concluded, paving the way to full normalization of trade relations. The bilateral trade agreement, which addresses issues relating to trade in goods and farm products, trade in services, intellectual property rights and foreign investment, creates more open market access, greater transparency and lower tariffs for U.S. exporters and investors in Vietnam.

Also this year, the Ex-Im Bank framework agreements, which allow Ex-Im to open operations in Vietnam, were concluded and OPIC made its first loan to a U.S. company in Vietnam. In March Secretary of Defense Wil-

liam Cohen became the first U.S. Defense Secretary to visit Vietnam in 25 years.

The American business and agricultural community believes that a policy of economic normalization with Vietnam is in our national interest. Last year, the House defeated the resolution of disapproval on Jackson-Vanik by a vote of 297 to 130. We urge you to support the renewal of the Jackson-Vanik waiver this July as an important step in the normalization process.

We stand ready to work with Congress towards renewal of the Jackson-Vanik waiver for Vietnam, which will help American businesses and farmers reach this important market.

Sincerely,
American Apparel Manufacturers Association, American Chamber of Commerce in Hanoi, American Chamber of Commerce in Ho Chi Minh City, American Chamber of Commerce in Hong Kong, American Chamber of Commerce in Japan, American Chamber of Commerce in Singapore, American Chemistry Council, American Electronics Association, American Feed Industry Association, American Council of Life Insurers, American Meat Institute, American Potato Trade Alliance, AMT—The Association for Manufacturing Technology, Asia Pacific Council of American Chambers, Coalition for Employment Through Exports, Emergency Committee for American Trade, The Fertilizer Institute, Footwear Distributors and Retailers of America, The Grocery Manufacturers of America, and Information Technology Industry Council.

International Association of Drilling Contractors, International Mass Retail Association, National Association of Manufacturers, National Association of Wheat Growers, National Corn Growers Association, National Oilseed Processors Association, National Potato Council, National Retail Federation, New Orleans Regional Chamber of Commerce, National Foreign Trade Council, North American Export Grain Association, North American Millers' Association, Oregon Potato Commission, Pacific Basin Economic Council—U.S. Committee, Sporting Goods Manufacturers Association, Telecommunications Industry Association, U.S.-ASEAN Business Council, U.S. Association of Importers of Textiles and Apparel, U.S. Chamber of Commerce, U.S.-Vietnam Trade Council, Washington State Potato Commission, and Wheat Export Trade Education Commission.

Although the practical effect of Vietnam's Jackson-Vanik waiver is small at this time, its significance is that it permits us to stay engaged with Vietnam and to pursue further reforms on the full range of issues on the bilateral agenda.

Terminating Vietnam's waiver will give Vietnam an excuse to halt further reforms. I ask my colleagues not to take away our ability to pressure the Vietnamese for progress on issues of importance to the United States and I urge a no vote on H.J. Res. 99.

Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that half of my time be yielded to the gentleman from California (Mr. ROHRBACHER) and that he be permitted to allocate that time as he sees fit.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of joint resolution 99, which disapproves the President's determination to waive the Jackson-Vanik freedom of information requirement for Vietnam. Others will point out that this debate is not about extension of normal trade relations with Vietnam but rather about the more limited issue of whether Vietnam should be eligible to participate in U.S. credit and credit-guaranteed programs.

Technically, Mr. Speaker, that is correct. However, I think we all know that this debate is about something much more important. As I said last year, Mr. Speaker, I do not oppose the eventual normalization of relations with Vietnam, but I do oppose declaring business as usual while the remains of American servicemen are still being recovered.

According to the Department of Defense, we are receiving newly discovered remains on a fairly frequent basis. As recently as June 3, last month, Mr. Speaker, the possible remains of three American military personnel were recovered. Can we not wait until this process is completed?

Mr. Speaker, on August 9, 1970 my brother, HM3 William F. McNulty was killed in Vietnam. He was a Navy medical corpsman transferred to the Marines. He spent his time patching up his buddies, and one day he stepped on a land mine and lost his life. That was a tremendous loss for our family, and I can tell my colleagues from personal experience that while the pain may subside it never goes away.

There is a difference between what the McNulty family went through and what an MIA family goes through. Because Bill's body was returned to us, we had a wake and a funeral and a burial. What we had, Mr. Speaker, was closure. I can only imagine what the family of an MIA has gone through over these past several decades.

Mr. Speaker, until there is a more complete accounting of those missing in action, this waiver should not be granted.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. JEFFERSON) be allowed to yield further time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 99. I support the President's decision to waive the Jackson-Vanik prohibitions with respect to Vietnam for an additional year.

This action takes place against a backdrop of bitter relationships in the past with Vietnam. Memories of those years remain, and appropriately so.

Over the past 5 years, the U.S. has gradually been reengaging with Viet-

nam. In 1994, we lifted the comprehensive embargo that had been in place since 1975. In 1995, we reopened the American Embassy in Hanoi. In 1998, the President decided to waive the Jackson-Vanik prohibitions. This body supported that decision with decisive margins. Each of these steps was a long time in evolving. Each responded to positive developments in Vietnam. Notably, the government of Vietnam has improved cooperation in the location of U.S. servicemen and women missing in Vietnam, and there has been improvement in the administration of programs to facilitate the resettlement of Vietnamese wishing to immigrate.

We must be clear concerning what today's vote is about, and what it is not about.

Today we simply vote on whether to approve or disapprove the Jackson-Vanik waiver for Vietnam for an additional year. Approving the waiver will continue the availability of export-related financing from OPIC, Ex-Im Bank, and the Department of Agriculture. Disapproving the waiver will cut off those sources of financing with an impact on U.S. exports, our businesspeople and our workers. Approving the waiver will not extend most favored nation status to goods and services from Vietnam. Imports from Vietnam will remain subject to restrictive tariffs until the Congress approves a bilateral trade agreement.

Two weeks ago, our country did, in fact, sign a trade agreement with Vietnam, negotiated over a period of 4 years. However, that agreement is not before the House today. When the President eventually submits it for approval, we will have to give careful consideration to a number of issues, including the extent of Vietnam's commitments, the extent to which it is implementing its commitments, our ability to monitor and enforce those commitments and Vietnam's compliance with international standards in areas including labor and the environment.

Fully normalizing relations with Vietnam is a long-term task. It requires us to work with Vietnam, including through the provision of technical assistance. For now, we must preserve the forward momentum that has developed over the past 6 years. To cut off programs now would be to pull out the rug from under U.S. producers of goods and services.

In short, let us keep intact the groundwork upon which a meaningful and enduring relationship hopefully could be built.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.J. Res. 99. The American people and our colleagues should listen carefully to this debate. What is it about? It is about trade subsidies. It is about a subsidy by the American people, the taxpayers of American businessmen

that want to invest in Vietnam. Investing in Vietnam? That does not mean selling American products in Vietnam. That means setting up manufacturing units in Vietnam to take advantage of the fact that that country is a brutal dictatorship that does not permit unions, that does not permit strikes, and thus there is virtual slave labor there at a cheap price.

Do we really want to give taxpayer subsidies and encourage American businessmen to close factories in the United States and open them up to take advantage of that type of market? That is immoral. It is immoral against the people of Vietnam and it is against the well-being of our own people. We are sinning against our own people by providing subsidies for our businessmen to close up operations here and open up there in a dictatorship.

It has been 2 years, Mr. Speaker, since President Clinton issued the first Jackson-Vanik waiver for Vietnam. Each year we have been assured by this administration and by our ambassador to Hanoi that this action would lead to greater political openness and prosperity for the Vietnamese people and a better economic climate for American investors so they would not need those subsidies. Unfortunately, the exact opposite has happened.

As The Washington Post stated on May 3, Vietnam remains a one-party state, rampant with corruption that retards foreign investment, and the Communist party fears more openness to the outside world could bring in more political heterodoxy for which the party shows zero tolerance, end of quote.

In a recent Human Rights Watch, reports link the ongoing persecution of dissidents and religious believers in Vietnam to the pervasive economic and political corruption in that country. There is no free press in Vietnam. All information is controlled by the state. Radio Free Asia broadcasts are jammed routinely.

The repeated promises by Hanoi of economic reform have been no more credible than their pledges in 1973 at the Paris Peace Agreement that the Communist violence against the people of South Vietnam would end and that there would be peaceful elections rather than bombs in resolving that war.

There is still not even the slightest hint of a free and fair election or opposition parties in Vietnam.

In that repressive government, it is hardly surprising that foreign investors and businessmen are bailing out. They are bailing out, but let us come by and save them. Let us use taxpayer subsidies and give them an encouragement to stay there in that corrupt and support that corrupt and undemocratic society, that tyrannical regime.

b 1115

As this panel is aware, the Jackson-Vanik provision primarily addresses the issue of freedom of immigration and migration for people who fear or

who have had the experience of persecution. The Vietnam Exit Permit system for immigration, including the longtime reeducation camp survivors, Amer-Asians, Americans, Montagnards and other people who have an interest in the United States of America, that state remains ripe for corruption. Many Vietnamese on the U.S. migration list have not been able to come to the United States because they could not afford to pay the bribes.

Contrary to the claims that we have just heard here today, there has been no progress in the MIA/POW issue. Hanoi has not even released the records. This Member has repeatedly, and last year, I might add, I made the same demand, but I have made this over and over again: if you want to prove good faith to us, simply release the records that you have of the prisons that you held Americans in during the war. Just give us those records. How about giving us the records of the facility that held our American ambassador, Pete Peterson. Just give us those records so we can examine it to see how many prisoners you really had. They have not given us those records after repeated demands. That is a sign of bad faith, and it is bad faith in the whole MIA/POW effort.

Mr. Speaker, my joint resolution disapproving the President's waiver for the corrupt Vietnamese dictatorship does not intend to isolate Vietnam or to stop U.S. companies from doing business there. It simply prevents the Communist Vietnam regime from enjoying a trade status that enables American businessmen, now listen to this, to make increasingly risky investments with loan guarantees and subsidies provided by the American taxpayer.

Why are we giving this perverse incentive for American companies to shut down their operations here or even refrain from opening up operations in countries that are struggling to be democratic and instead, to invest in dictatorships like Vietnam and China. If private banks and insurance companies will not back up these private ventures, why should the American taxpayer do that? American taxpayers should not be asked to do this.

Rampant corruption and mismanagement, as well as the abuse of the migration program, the lack of free trade unions, the suppression of freedom of expression, and the persecution of dissidents and religious believers, these are valid reasons to oppose the Jackson-Vanik waiver, and also it is not in our interests to make sure the American people are shortchanged by subsidizing investments in dictatorships.

Mr. Speaker, we do no favors for the Vietnamese people or American investors by again reflexively supporting the President's bogus Jackson-Vanik waiver. I propose that we get the Communists to give the Communist dictators in Vietnam to give a strong message from the United States Congress that corruption, mismanagement and

tyranny will no longer be tolerated, much less subsidized.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Our colleagues should have received a letter yesterday, in fact, and it was initiated by our distinguished colleague on the minority side, the gentleman from California (Mr. MATSUI), and the gentleman from Nebraska (Mr. BEREUTER) on ours; and in it it explains something, and there is one paragraph I would like to read to my colleagues: "At this time, Vietnam's waiver only allows that country to be reviewed for possible coverage by U.S. trade financing programs, such as those administered by the Overseas Private Investment Corporation, OPIC; the Export-Import Bank, Exim; and the U.S. Department of Agriculture, USDA. Vietnam is not automatically covered by these programs as a result of its Jackson-Vanik waiver."

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), chairman of the Subcommittee on Trade, for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to oppose the resolution disapproving the President's extension of the Jackson-Vanik waiver for Vietnam. Rejecting this resolution is especially important now that the United States and Vietnam have signed a bilateral trade agreement which will allow Vietnam in the future to gain Normal Trade Relations status renewable on an annual basis. But before that bilateral agreement is approved by Congress, we must continue the process of normalizing trade relations with Vietnam that began when we ended our trade embargo 6 years ago.

Over these few years, good progress has been made. From its accounting of U.S. POWs and MIAs, to its movement to open trade with the world, to its progress on human rights, Vietnam has taken the right steps. Vietnam is not there yet, but Vietnam is moving in the right direction.

Mr. Speaker, House Joint Resolution 99 is the wrong direction for us to take today. Who is hurt if we pass this resolution? We are. It is the wrong direction for U.S. farmers and manufacturers who do not have a level playing field when they compete with their European or Japanese counterparts in Vietnam. It is the wrong direction for our joint efforts with the Vietnamese to account for the last remains of our soldiers and to answer, finally, the questions of their loved ones here. It is the wrong direction for our efforts to influence the Vietnamese people, 65 percent who were not even born when the war was being waged.

Let us not turn back the clock on Vietnam. Let us continue to work with them and, in doing so, teach the youthful Vietnamese the values of democ-

racy, the principles of capitalism, and the merits of a free and open society.

Mr. McNULTY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I support the McNulty resolution to disapprove the extension of trade waiver authority with Vietnam.

Mr. Speaker, last year I supported the exact opposite position, in hopes that there would be signs in Vietnam that, in fact, that government would move toward a more open society. There are no signs of that, and political repression continues. Talk to people who live here in the United States who have relatives in Vietnam; many live in the Washington area.

What was even more troubling to me and the reason for this change in my own position, and I am not going to use the person's name, but one of the two most important Americans in charge of shaping U.S. policy toward Vietnam was speaking with me the other day; and I said, what are you going to do about the treatment of workers in Vietnam under this trade authority to give them dignity, whether they are working for a U.S.-based company or some other multinational working over there? And this American said to me, oh, that is not a trade issue, that is probably more cultural. That offended me so much.

Mr. Speaker, I think our government is on the wrong song sheet here. We ought to be for developing a civil society in Vietnam, beginning with humanitarian linkages, as our community is trying to do by helping build schools and clinics. We ought to be having educational exchanges to teach people something about democracy-building. We ought to have family reunification. We ought to have arts and cultural exchanges; but by golly, when top-ranking people from our own government fail to see that the basis of Jackson-Vanik is that political repression is wrong and this Nation ought to stand up for liberty at every cost, we ought to bring back those who are missing in action and call the government of Vietnam to task on that.

But we need to support the McNulty resolution and deny the additional extension, because it is in freedom's interests here and abroad.

Mr. JEFFERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge support of the Jackson-Vanik waiver by voting no on H.J. Res. 99, to encourage progress by Vietnam on a host of issues important to the United States.

It is undeniable that we have had a very troubled history with Vietnam, and we still have difficult issues. The scars of the past, as we have seen evidenced today, and this discussion run very deep; and we could never forget those who sacrificed their lives in the service of that country there.

But isolating Vietnam will not heal these scars. Perhaps no one can speak

more authoritatively on that issue than one of our former colleagues, Pete Peterson, who is here with us today. Pete Peterson was shot down flying his 67th mission during the Vietnam War and spent 6½ years as a prisoner of war. After serving 6 years with us in the U.S. House as a member of my class in 1991, Pete Peterson returned to Vietnam, this time as the first ambassador since the Communist takeover.

It is Ambassador Peterson's remarkable optimism about the changes going on in Vietnam, I believe, that sheds the greatest light on what our policy toward Vietnam should be. So while serious issues remain in our relationship with Vietnam, the dialogue with the Vietnamese on a full range of issues is the foundation on which those issues can be resolved.

For this reason, support for the Jackson-Vanik waiver for Vietnam and a no vote on this resolution is in our best interests, I believe.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we have heard here that this really is not about taxpayer subsidy, because what we are doing today only makes possible that we will give taxpayer subsidies to American businessmen for closing factories here and opening up in this dictatorship in Southeast Asia, Vietnam.

The fact is, that is what this debate is all about, whether or not it should be permitted for American companies to receive these subsidies from the American taxpayer that are not in the interest of the American people so that they can go over and manufacture things in Vietnam and then to export them back to the United States. That is what this is about, the same way it is about this in China in our China debate, and what the gentleman from Illinois (Mr. CRANE) read confirms that.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding, and I rise today in support of the Rohrabacher resolution.

Mr. Speaker, let me say that we have heard about the terrible human rights situation in Vietnam; and sadly, let me say it, in fact, is true. If we look at the rights abolished by the socialist republic of Vietnam, political freedoms are gone, all religious freedom is gone, economic freedom has been systematically abolished for the people there.

Now, the State Department tells us that the Vietnamese government quote, "maintains an autocratic one-party state that tolerates no opposition." Earlier this year, I visited Vietnam and I saw firsthand the Communist Party's harassment of those Vietnamese citizens who decide to peacefully set forth dissenting political and religious views. I visited several who were under house arrest.

Now, we can argue whether or not engagement best advocates freedom in

Vietnam. In fact, I believe engagement does. If done right, a two-track policy of engaging Vietnam on economic reform, while pressuring it on its political and religious repression with Radio Free Asia and other means, promises to promote the freedom the Vietnamese people have long sought.

Trade in investment terms with Vietnam, though, is not what this particular piece of legislation addresses. Denying this waiver would not make U.S. businesses any more or less free to do business in Vietnam. Approving this resolution would simply disallow taxpayer dollars from being used to continue subsidizing U.S. companies to do business in Vietnam. The reforms the Vietnamese government promises to make in its trade agreement with the U.S. generally are comprehensive. They are comprehensive because the business climate in Vietnam right now is so bad. The Communist Party runs the economy, making Vietnam abjectly poor, despite the talents and drive of the Vietnamese people. The economy is riddled with corruption, red tape, and cronyism.

Mr. Speaker, the State Department says, U.S. businesses find the Vietnamese market is a tough place to operate. That is an understatement. American and European companies, which eagerly entered Vietnam a few years ago, are in retreat. If they wish to stay the course, that is their decision; but we should not ask for a U.S. Government subsidy to do that.

Mr. Speaker, we all hope that freedom comes to Vietnam. Today we are debating whether the U.S. Government subsidies for American business is a constructive way to promote this freedom. I do not think that that case has been made for Vietnam, or from any other places, for that matter. I ask my colleagues to support this resolution.

Mr. CRANE. Mr. Speaker, I would remind our colleagues that OPIC and Ex-Im Bank help businesses in a majority of countries around the globe; it is not confined to Vietnam.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

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Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the resolution from the gentleman from California (Mr. ROHRABACHER) and support the Jackson-Vanik waiver.

In the 1870s, France colonized Vietnam. From 1940 to 1945, the Japanese and the French collaborated to oppress and colonize Vietnam. In 1945, President Roosevelt sent an agent, Archimedis Patti of the OSS, the forerunner of the CIA, to see what was going on in Vietnam and what should happen after World War II, which was fought for self-determination around the world.

Archimedis Patti suggested that Ho Chi Minh was fighting for independence against the French and the Japanese.

Roosevelt died. Archimedis Patti persisted with President Truman. Throughout the 1950s, the OSS, which turned into the CIA, recommended that the United States not become involved in the Vietnam conflict because it was a matter of a civil war and a matter of a fight for independence.

Now, I know the decisions were tough back then. In the 1940s and 1950s it was Communist expansion, China fell to the Communist, there was a Korean War and so on. But the United States got involved in the conflict. I served in Vietnam. I lost close friends in Vietnam. I knew men who are still to this day MIAs. I was proud to fight for the democratic process in the 1950s in Vietnam.

It is now 25 years later. The war virtually ended in 1975. The United States does have business interests around the globe and in Vietnam. The United States does have humanitarian interest around the world and in Vietnam. We will not lose sight of those humanitarian interests regardless of what anybody says about cultural interests.

So I highly recommend to my colleagues that we vote against the gentleman from California (Mr. ROHRABACHER), we stand firm in favor of the Jackson-Vanik waiver; and while we do that, we salute Pete Peterson, the Ambassador to Vietnam from the United States.

Mr. McNULTY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.J. Res. 99 and oppose the granting of the waiver for Vietnam.

Mr. Speaker, I do not believe Vietnam has made significant improvements in allowing political express or religious freedom.

I intend to support today's resolution opposing the waiver of the Jackson-Vanik provisions of the 1974 Trade Act. The Communist government in Hanoi still clings to the belief that any form of individualism is a threat to their grip on power.

Every year the House is asked to make exceptions to the countries who consistently oppress political dissent and religious freedom. When is the United States going to say enough is enough?

I understand that we are here today because of the tremendous economic opportunities that are available in Vietnam. I understand that. Vietnam has the cheap labor and lax environmental regulations that we seem to favor to produce our clothes and our shoes.

What would we get in return for waiving the Jackson-Vanik provisions of the 1947 Trade Act? Are we going to get more help in locating our missing servicemen? The legacy of the Vietnam War will remain open and festering without a higher level cooperation from the government in Hanoi.

I hope that next year, if we repeat this process, the United States is not running a huge trade deficit with Vietnam. Injecting large amounts of foreign investment in Vietnam to bring about social change is a flawed theory. We have been doing that with China for years, and it still suppresses religious expression, and it still sells weapons to some of the most unstable nations in the world.

It is interesting that the companies and businesses who are successful in our country because of the freedom of individualism and initiative want to take advantage of a society that suppresses it to the point, and that is the very reason that our society and our government is successful because, individually, we have the right to succeed.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution and in support of the continuation of the Jackson-Vanik waiver for Vietnam.

Last year, 297 Members of the House voted against a disapproval waiver. Since that time, major steps have been taken in many areas of greatest concern to the Congress and the American people with respect to issues between the United States and Vietnam.

The number of Vietnamese who have been able to leave the country to resettle in the United States has reached merely 16,000 in the first 6 months of this year compared to 3,800 2 years ago.

Ambassador Pete Peterson, our former colleague, has declared that "Vietnam's cooperation on emigration policy, the test issue for the Jackson-Vanik waiver, is exemplary." Close cooperation between our governments is also continuing in the location, identification, and the return of remains, and in resolving the remaining MIA questions has been considerable.

I had an opportunity to visit with our teams in the country that are seeking these remains and going through this intensive, arduous process. They will tell us the cooperation that they are getting from the government now that they did not get before. The program is working, not as fast as we would like, but the cooperation is in fact there.

In reaching an accord with the United States on a comprehensive trade agreement, which is not an issue before this Congress today, the government of Vietnam has also demonstrated that it is prepared to move in the direction of transparency, fair trade, and a more open economy that will ultimately serve the people of that nation well.

Our continued waiver of Jackson-Vanik, which is strongly supported by a number of veterans organizations,

has encouraged Vietnam to implement reforms that are needed to establish the basic labor and political rights we believe are critical. There is still much room for improvement, to be sure, on all of these fronts, on freedom of expression, on religious freedom, on labor rights, on political rights; but the fact of the matter is progress is being made because of this engagement.

We should continue to encourage these reforms in Vietnam through expanded trade, labor, and educational exchanges, again which are taking place already; cooperation, environmental and scientific initiatives which, again, are already taking place. But we need more of them. We need these efforts to build a stronger relationship between the two countries to promote the kind of open and democratic societies we believe they have a right to enjoy.

Mr. ROHRABACHER. Mr. Speaker, will the Chair please let me know what the time is remaining.

The SPEAKER pro tempore (Mr. OSE). The gentleman from California (Mr. ROHRABACHER) has 6 minutes remaining. The gentleman from Louisiana (Mr. JEFFERSON) has 8 minutes remaining. The gentleman from New York (Mr. McNULTY) has 8½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 7 minutes remaining.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first and foremost, let us look again at the central issue. No matter how much people are trying to deny it, the central issue is whether or not the American taxpayer should be subsidizing the investment by American businesses, not to sell American products in Vietnam but to set up factories in Vietnam, to take advantage of their, basically, slave labor, people who have no right to form a union, people who have no legal protections. Should we subsidize with our taxpayers' dollars American businessmen that want to go over there and exploit that market, closing factories in the United States, and then exporting their produce that they produced with this slave labor back to the United States, again, competing with our own goods made by our own people? That is immoral.

Let us just say, yes, I agree with the gentleman from Illinois (Mr. CRANE). OPIC and Exim Bank, these are the vehicles that we use taxpayers' dollars to subsidize this investment overseas. They do it with a lot of countries. But we should put our foot down here today and say dictatorships should not receive this kind of subsidy, especially the dictatorship in Vietnam that has not cooperated in finding our missing in action and POWs.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our distinguished colleague, Ambassador Pete Peterson, was

here a moment ago. He is over here on the floor. I would like to recognize him. He spent 6 years with us here in the House. He spent 6½ years in the Hanoi Hilton, and he is doing an outstanding job as our Ambassador in Vietnam. He assures me that he has the records from the prison in which he was held for 6½ years. These records are now publicly available.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this House Joint Resolution 99. As a Vietnam veteran, I empathize with many of the arguments that I have heard by some of the opponents to this waiver. I am concerned about the issue of emigration of Vietnamese from that country. I also, of course, want a full accounting of our MIAs and POWs, and our ambassador has been working very hard on achieving that.

Of course I am concerned about religious freedom and its state in a country like Vietnam. But I disagree with the proposed solutions that the other side suggested as denying the Jackson-Vanik waiver for Vietnam does nothing to further the progress in any of these areas. In fact, I believe it has just the opposite effect.

Let us put this vote today in its historical perspective. It was 1991 that President Bush proposed a road map for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for this cooperation, the United States agreed to move towards normalizing relations in an incremental fashion.

Progress has been made through the years in that. In 1994, a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, in response to further reforms by the Vietnamese, formal diplomatic relations were established between the United States and Vietnam. In 1998, President Clinton issued the first waiver for Vietnam under the Jackson-Vanik procedures. This waiver, which was approved by this House by a very substantial margin, made American products eligible for trade investment programs such as Ex-Im and OPIC.

This year, an even more historic step was reached when the United States and Vietnam signed a bilateral trade agreement which contained significant concessions for the U.S. industry in Vietnam.

Now, this vote today is not going to provide us with all the benefits of the agreement, nor will it mean that we will have normal trade relations with Vietnam. That will require an additional vote by Congress. But today's vote does send a message that Congress supports the policy of continued engagement with Vietnam. I believe that has helped us.

I urge a no vote on this resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to remind all Members that references to the presence on the floor of non-Members during debate is not appropriate.

Mr. McNULTY. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New York (Mr. McNULTY) for yielding me this time.

As the Congresswoman who represents the largest Vietnamese-American population in the United States in Orange County, California, this Jackson-Vanik is about the immigration issue and the reunification of the families, the Vietnamese-American families that we have here in our country.

We have gone through the process. Our State Department has allowed that these members of families come to the United States, and then they run into a problem. The problem is that the corrupt government of Vietnam charges bribes of about \$2,000 to try to get an exit for each person who is trying to come here to the United States to be with their family members.

Well, when one considers that the household income in Vietnam is \$300 a year, \$2,000 is not an easy amount to get one's hands on to get one's exit visa so that one can come here and be with one's family after our State Department says, in fact, one should and can be here in the United States.

So on the issue of immigration, the government of Vietnam has not held up its end. But in addition to that, why should we, the United States, help a government that is so against human rights?

The government continues to repress basic political and religious freedoms and does not tolerate most types of public dissent. This is what the United States State Department reported in its 1999 review of the human rights situation in Vietnam.

What they are doing now in Vietnam is that, instead of holding prisoners in prisons, they put them in house arrest so that the rest of the nations will not criticize them internationally. In fact, the last time I was in Vietnam, while I was talking to a dissident under house arrest in his home, the government figured out I was there. They sent their police knocking on the door trying to get through. I do not know, if I had not had a couple of Marines there with me, what would have happened.

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But the situation is that dissidents do not have an ability to speak their mind under this government. So I ask again, why should we reward that government with a Jackson-Vanik waiver?

It was just 2 months ago when the Vietnamese police placed Ha Si Phu under house arrest and threatened to charge him with treason. The Vietnamese authorities apparently believe that Mr. Ha is connected to an open appeal for democracy issued by intellec-

tual dissidents. If convicted, he could face the death penalty.

Sadly, this is not the first time that Ha Si Phu has been harassed by authorities for peacefully expressing his views. In recent years, he has become well known at home and abroad for his political discourses and for focusing international attention on Vietnam's terrible human rights record. For his efforts, he was imprisoned in December 1995 for a year; and he continues to be under House arrest, like the rest of the people who speak up in Vietnam and say that what they are doing is wrong.

How do we reward this country when it punishes its citizens for exercising basic human rights; a country where a citizen is punished for speaking out against what he or she believes is wrong?

Unfortunately, Mr. Ha's situation is not the only example of what we see over and over and over in this country. Our ambassador, Mr. Pete Peterson, says that human rights conditions are getting better. They are not. We have only to ask the relatives who live here in the United States.

I urge my colleagues to vote "yes" on this resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, this vote today is a vote on whether we are truly dedicated to the hard work of getting full accounting of our missing from the Vietnam War.

As the Veterans of Foreign Wars have stated, passing this resolution of disapproval will only hurt our efforts at a time in which we are receiving the access and cooperation we need from the Vietnamese to determine the fate of our POW-MIAs. There is no more authoritative force and voice on this issue than our former colleague and now ambassador to Vietnam, Mr. Pete Peterson, who supports this waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, he should have every reason to be skeptical and harbor bitterness against the Vietnamese. Yet he believes the best course is to develop better relations between our two nations.

We have achieved progress on this POW-MIA issue because of our evolving relationship with the Vietnamese, not despite it. Without access to the jungles and the rice paddies, to the information and documents, and to the witnesses of these tragic incidents, it would be impossible to give the families of the missing the answers our country owes them.

We are making progress and providing these answers. Much of this is due to the Joint Task Force—Full Accounting, our military presence in Vietnam tasked with looking for our missing. I have visited with these young men and women, and they are among the most brave and motivated troops I have ever met. Every day, from the searches of jungle battle sites

to the excavation of crash sites on precarious mountain summits, they put themselves in harm's way to perform a mission they truly believe in.

It is moving to see these young men and women, some who were not even born when our presence was so involved in Vietnam. They have told me time and time again one thing; allow us to remain on this job.

The resolution before us today puts this at risk. I urge my colleagues to please vote against this resolution.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, this Member rises in opposition to the resolution.

It is important for us, I think, to recognize what the Jackson-Vanik waiver does and what it does not do. By law, the underlying issue here is about immigration. Based on Vietnam's record of progress on immigration and its continued cooperation on U.S. refugee programs over the past year, renewal of the Jackson-Vanik waiver will continue to promote freedom of immigration. Disapproval would undoubtedly result in the opposite.

The Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations 5 years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral, political, economic, and consular relationships. This is in America's own short-term and long-term national interests. It builds on Vietnam's own policy of political and economic reintegration into the world.

This will be a lengthy and challenging process. However, now is not the time to reverse course on Vietnam. Vietnam continues to cooperate fully with our priority efforts to achieve the fullest possible accounting of American POW-MIAs. The Jackson-Vanik waiver supports this process.

The Jackson-Vanik waiver certainly does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. On May 4, however, this body passed a resolution condemning just such violations of human rights.

The Jackson-Vanik waiver does not provide Vietnam with new trade benefits, including Normal Trade Relations, NTR, status. With the Jackson-Vanik waiver, the United States has been able to successfully negotiate and sign a new bilateral commercial trades agreement with Vietnam. Congress will have an opportunity in the future whether to approve it or not, and whether to

grant NTR or not, but that is a separate process. The renewal of the Jackson-Vanik waiver only keeps this process going, nothing more.

Renewal of the Jackson-Vanik waiver does not automatically make American exports to Vietnam eligible for possible coverage by U.S. trade financing programs. The waiver only allows American exports to Vietnam to be eligible for such coverage.

Mr. Speaker, the war with Vietnam is over, and we have embarked upon a new, although cautious, expanded relationship with Vietnam. Now is not the time to reverse this constructive course. Accordingly, this Member urges a "no" vote on the resolution.

Having summarized the key reasons to oppose the resolution, this Member would like to expand on a few of these points. First, the issue of emigration, which indeed, is what the Jackson-Vanik provision is all about. Since March of 1998, the United States has granted Vietnam a waiver of the Jackson-Vanik emigration provisions of the Trade Act of 1974. As this is only an annual waiver, the President decided on June 2, 2000, to renew this extension because he determined that doing so would substantially promote greater freedom of emigration from that country in the future. This determination was based on Vietnam's record of progress on emigration and on Vietnam's continued cooperation on U.S. refugee programs over the past year. As a result, we are approaching the completion of many refugee admissions categories under the Orderly Departure Program (ODP), including the Resettlement Opportunity for Vietnamese Returnees, Former Re-education Camp Detainees, "McCain Amendment" sub-programs and Montagnards. The Vietnamese Government has also agreed to help implement our decision to resume the ODP program for former U.S. Government employees, which was suspended in 1996. The renewal of the Jackson-Vanik waiver is an acknowledgment of that progress. Disapproval of the waiver would, undoubtedly, result in Vietnam's immediate cessation of cooperation.

Second, the Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations five years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral political, economic and consular relationship. This policy is in America's own short- and long-term national interest. It builds on Vietnam's own policy of political and economic reintegration into the world. In the judgment of this Member, this will be a lengthy and challenging process. However, he suggests that now is not the time to reverse course on Vietnam.

Third, over the past five years, Vietnam has increasingly cooperated on a wide range of issues. The most important of these is the progress and cooperation in obtaining the full-est possible accounting of Americans missing from the Vietnam War. Those members who attended the briefing by the distinguished Ambassador to Vietnam, a former Prisoner of War and former Member of this body, the Honorable "Pete" Peterson, learned of the significant efforts to which Vietnam is now extending to address our concerns regarding the POW/MIA issue, including their participation in

remains recovery efforts which are physically very dangerous.

Fourth, the Jackson-Vanik waiver does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. However, our experience has been that isolation and disengagement does not promote progress on human rights. New sanctions, including the symbolic disapproval of the Jackson-Vanik waiver, only strengthens the position of the Communist hard-liners at the expense of those in Vietnam's leadership who are inclined to support more openness. Engagement with Vietnam has resulted in some improvements in Vietnam's human rights practices, though we still remain disappointed at the very limited pace and scope of such reforms. As this Member mentioned, on May 4, 2000, this body adopted a resolution condemning Vietnam's human rights record. Given the strong reaction to our resolution by Hanoi, it is evident that our actions and concerns did not go unnoticed.

Fifth, the Jackson-Vanik waiver does not provide Vietnam with any new trade benefits, including Normal Trade Relations (NTR) status. However, with the Jackson-Vanik waiver, the United States has been able to successfully negotiate a new bilateral commercial trade agreement with Vietnam. This agreement was signed two weeks ago in Washington. In the opinion of this Member, this agreement is in our own short and long term national interest. Vietnam remains a very difficult place for American firms to do business. Vietnam needs to undertake additional fundamental economic reforms. This new bilateral trade agreement will require Vietnam to make these reforms and will result in increased American exports supporting jobs here at home.

In a separate process with a separate vote Congress will have to decide whether to approve or reject this new trade agreement and to grant NTR status to Vietnam. Given that the agreement has yet to even be transmitted to Congress and there are only a limited number of legislative days before the body's scheduled adjournment, this Member believes that these decisions will not be made until the 107th Congress meets next year. Thus, the Jackson-Vanik waiver simply ensures that the modest trade opportunities currently available to American businesses will continue until Congress considers the agreement.

Sixth, contrary to the claims of some opponents of the Jackson-Vanik waiver, renewal of the Jackson-Vanik waiver does not automatically make American investment in and exports to Vietnam eligible for coverage by U.S. trade financing programs such as those administered by the Overseas Private Investment Corporation, the Export-Import Bank, and the U.S. Department of Agriculture. The waiver only allows American exports and investments to be eligible for such coverage. Each must still face separate individual reviews against each program's relevant criteria.

Mr. Speaker, Americans must conclusively recognize that the war with Vietnam is over. With the restoration of diplomatic relations in 1995, the United States and Vietnam embarked on a new relationship for the future. It will not be an easy or quick process. Vietnam today remains a Communist country with very

limited freedoms for its citizens. Significant reforms must occur before relations can be truly normal. The emotional scars of the Vietnam war remain with many Americans. In the mid-1960's, this Member was an infantry officer and intelligence officer with the First Infantry Division. Within a month of completing my service, members of my tight-knit detachment of that division were in Vietnam and taking casualties the first night after arrival. Like other Vietnam-era veterans, this Member has emotional baggage. A great many Americans have emotional baggage about Vietnam, but this Member would suggest that it is time to get on with our bilateral relationship and not reverse course on Vietnam.

Passing this resolution of disapproval of the Jackson-Vanik waiver would represent yet another reflection of animosities of the past at a time when Vietnam is finally looking ahead and making changes towards its integration into the international community. A retrenchment on our part by this disapproval resolution is not in America's short and long term national interests. Accordingly, this Member strongly urges the rejection of House Joint Resolution 99.

Mr. McNULTY. Mr. Speaker, I would like to inquire of the Chair about the procedure for closing statements?

It is my understanding that the order would be the gentleman from California (Mr. ROHRBACHER), followed by the gentleman from Louisiana (Mr. JEFFERSON), followed by myself, and then followed by the gentleman from Illinois (Mr. CRANE); is that correct?

The SPEAKER pro tempore (Mr. OSE). The gentleman's understanding is correct.

Mr. McNULTY. Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. JEFFERSON) for yielding me this time, and I strongly associate myself with the comments of my colleague, the gentleman from Nebraska (Mr. BE-REUTER).

I too rise in opposition to this resolution and support President Clinton's decision to waive Jackson-Vanik requirements for the next year. This would absolutely be the worst thing we could do at this point, undercutting the outstanding work that Ambassador Peterson and our team has done in terms of continued progress in immigration, in terms of continued accounting and cooperation in dealing with prisoners of war and missing in action. It would also undercut the progress that has been represented by the successful conclusion of the bilateral trade agreement, a critical, critical milepost.

This debate is absolutely not about some hypothetical huge potential trade deficit with Vietnam. The amount of trade involved is minuscule at this point and is not going to be, under the wildest circumstances, anything significant in the foreseeable future.

It is absolutely not about closing United States' factories and shipping

this process overseas. The goods that have been identified here as the primary products for Vietnam are not things that the United States is specializing in right now. Most of those products are already manufactured overseas and simply shifting suppliers.

And it is categorically not about slave labor. That is absolute nonsense and referenced by someone who clearly has never seen the activity that is going on now in Vietnam factories. I am informed by our embassy in Vietnam that there have been dozens of strikes already this year. And if we talk to the men and women who have done work in Vietnam, we see that even in this area progress is being achieved.

Mr. Speaker, this House is poised to make some very significant accomplishments in foreign policy; a historic realignment of our policy with China. Last week's vote sent signals about being real about our relationship with Cuba and reversing some absolutely ineffectual activities in the past. We are now on the verge of doing the same with Vietnam. I strongly urge rejection of this resolution and keeping us moving in this direction.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, again, we should take a look at what is being said here today and what the central issues are. We have heard that if we vote today for this resolution that these subsidies for businessmen who go over there, who close factories in the United States and open up factories to produce goods with the slave labor in Vietnam and export them to the United States, will not "automatically" be granted; will not "automatically" have these subsidies available.

We keep getting these words that should make it very clear that is what this debate is about. The debate is about whether or not U.S. taxpayers are going to subsidize American companies to close their doors in the United States, go over there and take advantage of, yes, slave labor.

I am not impressed when I hear that there have been strikes in Vietnam. The question is what happened to the strikers after the strike. The question is whether those strikers had a right to form a union and to try to peacefully advocate their own position, which is the right of every person in a free society.

There has been no progress reported in labor relations in Vietnam. There is no progress in terms of a free press, no progress in terms of religious freedom, no progress in terms of an opposition party. So where is this progress? We are rewarding the Communist government of Vietnam for continuing its repression.

As far as Mr. Peterson's report, this is the first time any of us have ever heard of a report that there are records from a prison available. Let me note this, and I have just spoken to the gentleman from Nebraska (Mr. BEREUTER),

chairman of the committee, that it has never been reported to him; it has never been reported to me, a senior member of the Committee on International Relations and the Subcommittee on Asia and the Pacific, that those records are available.

Now, how limited are they? How long have they been available? We are being told this right now, during this debate, that records that have been denied us for 10 years of our demanding are now available to us. Let me just say if that is the case, and those records have been available and it has not been reported to the oversight committee of the United States Congress, there is something wrong with our State Department or something wrong with the process.

And I would put on the record today that I expect to see those prison records. I would put this on the record for our ambassador to Vietnam that I expect to see those prison records forthwith and immediately so that they can be examined in relationship to the MIA-POW issue. Those records have not been made available to us. We have not had a good faith effort, and it is wrong to spring this in the middle of a debate on the floor on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise this morning in support of maintaining the President's waiver of Jackson-Vanik for Vietnam and in opposition of this resolution.

Our policy of engagement with Vietnam is our most effective tool for influencing Vietnamese society and achieving positive relationships with that country. With engagement, we are able to insert American ideals of freedom and liberty to the Vietnamese people. Furthermore, as a global leader in economic enterprise, American companies are poised to develop even broader commercial ties and influential relationships throughout Vietnam.

I can tell my colleagues that our presence in Vietnam impacts their society in all areas, from commercial relations to worker rights.

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Moreover, as a Vietnam veteran, I believe that the coordination and co-operation of the Vietnamese government in the recovery of remains of our servicemen is essential and has been extremely successful and possible through our policy of engagement.

Clearly, additional progress must be made in Vietnam on a whole range of issues including trade, human rights, religious freedom, and freedom of expression. However, we can only do that through a policy of engagement. We all agree that there must be greater political and democratic reforms as well as more open access to Vietnamese markets in order to address the large and growing trade imbalance.

In my view, the most effective way to bring about improvements in trade, human rights, and political and religious freedoms and to maintain other progress in successful joint searches for veterans' remains is through continued engagement with the Vietnamese government and increased contacts with the Vietnamese people so that they can learn and appreciate the values of democracy and the values of freedom.

If we do not support the President's waiver of Jackson-Vanik for Vietnam, the result will be that it will cause us to disengage and withdraw. This will harm and not improve our situation with Vietnam.

Removal of Vietnam's status would likely result in the withdrawal of American goods and, therefore, American values.

I strongly urge everyone in this House to support the waiver of Jackson-Vanik for a status for Vietnam and vote against this resolution.

Mr. ROHRABACHER. Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in strong opposition to the resolution and thank my friend and colleague, the gentleman from Louisiana (Mr. JEFFERSON), for giving me this opportunity to speak.

There is no question that the Vietnam War strained the very fiber of our nation, however, the time has come to reconcile the discord of the past. Including trade in our new diplomatic relationship with Vietnam will allow us to create a positive partnership for the future.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. Speaker, in our increasingly global economy, shutting Vietnam out would be detrimental not only for the people of Vietnam and southeast Asia but for American citizens and businesses, as well.

In the shadow of the historic market-opening agreement made only this month thanks to the efforts of U.S. Ambassador Pete Peterson, it would be a disaster for Congress to approve legislation to deny Vietnam eligibility for U.S. trade credits.

Opening the Vietnamese markets will not only provide an economic boon for both Vietnam and the U.S. but will improve trade between the two countries, and that will go a long way toward healing the wounds both nations have been nursing for decades.

I urge my colleagues to oppose this resolution.

I rise in strong opposition to the resolution and thank my friend and colleague from Louisiana Mr. JEFFERSON, for giving me the opportunity to speak.

The Vietnam war is the war of my generation and I will always have strong feelings regarding the longest war in our country's history and the conflict which strained the fiber of our nation.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. ROHRABACHER. Mr. Speaker, could I get the time that is left for all of us and what sequence that we will be making our closing arguments.

The SPEAKER pro tempore (Mr. OSE). The order of close shall be the gentleman from California (Mr. ROHRABACHER) first, the gentleman from Louisiana (Mr. JEFFERSON) second, the gentleman from New York (Mr. McNULTY) third, and finally the gentleman from Illinois (Mr. CRANE) will have the final word.

The amount of time remaining for the gentleman from California (Mr. ROHRABACHER) is 2½ minutes, for the gentleman from Louisiana (Mr. JEFFERSON) 1 minute, for the gentleman from New York (Mr. McNULTY) 4½ minutes, and the gentleman from Illinois (Mr. CRANE) 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I ask my colleagues to join me in support of this resolution. Mr. Speaker, I would ask my colleagues to support this resolution. Let us today make a stand for principle. Let us send the message to the world and to the American people about what America stands for.

Today we are really a government that simply can be manipulated by large financial interests, billionaires who want to invest in various parts of the world under a guise of globalism.

Is that what we are all about? No. We have Mr. Lafayette who watches us today. We have George Washington who watches us today. Is that the America that they fought for? Is that the globalism they had in mind?

The globalism our forefathers had in mind were universal rights where the concept of the United States stands as a hope of liberty and justice for the world, not just that we are a place where people can come and do business together. Yes, we believe in that and that our businessmen have a right to do businesses overseas. Yes, they have a right to do that. But there is some higher value involved with our country.

We can reaffirm that today, and not only reaffirming that principle that human rights and democracy means something, but at the same time, watch out for the interests of the American people.

We see this American flag behind us. What does that flag stand for? It stands for, number one, we believe in liberty and justice and independence and freedom. We believe in those things our Founding Fathers talked about 225 years ago. But, number two, it also stands for that we are going to represent the interests of those American people who have come here to this

country and become citizens of our country.

It is not in their interest, and it is not in the interest of human freedom that we subsidize American businesses to go over and do business in dictatorships, dictatorships where they throw the leaders of strikes in jail 2 days after the strike is over, dictatorships where they do not allow any opposition parties or freedom of religion.

There has been no progress in terms of human rights in Vietnam. And now we are thinking about offering a perverse incentive again today. That is what this debate is about, to our businessmen to close their doors here, not watching out for the interests of the American people, but instead making sure that these business men can go over and use that slave labor.

Those people in Vietnam have a \$300 a year per capita income, and they are going to be exploited by American businessmen.

Let us vote for this resolution. Let us not give them this waiver. Let us put them on notice that they have a year to clean up their act, and then we can grant them some concessions if they have progressed in those areas.

I ask for support of the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I think it is important to keep in mind what this legislation is all about. It is not to cure all these difficulties that exist between the United States and Vietnam, nor between the debate over democracy versus communism. It is strictly about providing greater access for immigration and our review of whether or not that is taking place in that country in sufficient capacity to permit us to continue with the waiver.

Since the 1980s, over 500,000 Vietnamese people have emigrated as refugees of that country to the United States. Ambassador Peterson reports that while there are bribes and corruption, these are isolated incidents and this is not a form of government policy in Vietnam.

And so Vietnam is meeting the requirement for us to continue the waiver, and that is all that is important here. While incident to this there will be permission of OPEC and Ex-Im Bank to engage and support U.S. business there, that is not the overriding purpose of what we are doing here. And so Vietnam has met its obligation.

It is time for our country to step up and meet its obligation as well and to permit the Jackson-Vanik waiver to continue and to permit people to continue to enjoy free immigration to this country.

Mr. McNULTY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank Ron Cima and Chuck Henley of the Office of the Secretary of Defense for the briefing that they gave me last week on the search for our MIAs. I am grateful to them, to Pete Peterson, and to all of those who are working to bring our MIAs home.

As I grow older, Mr. Speaker, I try to keep my priorities in proper order. I am not always successful at that, but I work at it. That is why when I get up in the morning the first two things I do are to thank God for my life and veterans for my way of life.

Had it not been for my brother Bill and all of those who gave their lives in service to this country through the years, had it not been for people like the gentleman from Texas (Mr. SAM JOHNSON) and Pete Peterson and JOHN MCCAIN, who endured torture as prisoners of war, had it not been for people like Pete Dalessandro, a World War II Congressional Medal of Honor winner from my district who was just laid to rest last year in our new veterans' cemetery in Saratoga, had it not been for them and all of the men and women who wore the uniform of the United States military through the years and put their lives on the line for us, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on Earth.

Freedom is not free. We paid a tremendous price for it. And we should always remember those who paid the price.

So today, Mr. Speaker, based upon the comments that I made earlier on behalf of all 2,014 Americans who are still missing in southeast Asia, on behalf of their families, I ask my colleagues to join with me, the American Legion, the National League of POW/MIA Families, the National Alliance of POW/MIA Families, the National Vietnam Veterans Coalition, the Veterans of the Vietnam War, and the Disabled American Veterans in supporting this resolution of disapproval.

Mr. CRANE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to just make one brief concluding remark, and it has to do with the events in Vietnam that all of us have recollections of.

My two kid brothers served over there. I know that we all had a concern not just for the welfare of our friends, neighbors and relatives, but we had a concern about the Vietnamese people, too.

I think it is important for us to recognize that since the Vietnam War ended that there is a whole new Vietnam that has come into existence. Sixty-five percent of the people in Vietnam were not alive at the end of the Vietnam War. As this new population has taken over the country, I think it is important for us to lend our efforts in advancing the Vietnamese country and people toward those civilized values that we cherish.

For that reason, I think the Jackson-Vanik waiver is a very tiny but incremental and important step in that direction. And for that reason, with all due respect to my colleagues who are supporting H.J. Res. 99, I would urge my colleagues to vote no on H.J. Res. 99 and keep us moving in the right direction.

Mr. ROHRBACHER. Mr. Speaker, I am surprised to hear for the first time today that the Vietnamese communists have made available the records of one of the prisons where Ambassador Peterson was held. In response, I just asked Ambassador Peterson which records he was referring to. Unfortunately, the records he is speaking of are not from the prisons in which he was held early during his captivity, for which I am most concerned that some Americans may not have returned from. I do not doubt that Ambassador Peterson is being honest that commanders from those prisons told him that they do not know where the records are after so many years. However, they as individuals were not the record keepers. The Vietnamese communist government kept many overlapping records on prisoners they held in Vietnam, Laos and Cambodia or transferred from Indochina to other communist countries. It is those meticulous records that I am concerned about and to which my request to communist officials in Hanoi has not been addressed.

Former American POWs such as Mike Bengé and Colonel Ted Guy have told my staff and I how they were repeatedly interviewed and had written records made by overlapping Vietnamese communist intelligence and military organizations while they were transferred between Laos and a number of prison camps in Vietnam. U.S. officials have to this day, not had those records made available to them by the Vietnamese regime.

In addition, there are some 400 Americans who U.S. intelligence agencies have identified as having been alive or who perished under Vietnamese communist control. The Vietnamese regime could easily account for these men, but to this day, refuse to do so. Finally, the CIA and DIA have verified the validity of the testimony before Congress by a Vietnamese mortician who testified to processing hundreds of deceased American prisoners' remains in Hanoi during the war. He testified that the organization he worked for kept meticulous records of the deceased Americans, processed the remains for storage, and carefully packaged and labeled personal belongings of the deceased Americans. To this day, none of the records of that organization—which could resolve the fates of scores of missing American servicemen—have been made available by the Vietnamese regime.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution and urge my colleagues to uphold the current Jackson-Vanik waiver.

The Jackson-Vanik provision of the 1974 Trade Act was intended to encourage communist countries to relax their restrictive emigration policies. At the time, the Soviet Union was prohibiting Soviet Jewry from emigrating to the United States and Israel.

The Jackson-Vanik waiver specifically granted the President the power to waive the restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls.

To avoid confusion among some of my colleagues, this waiver does not provide Vietnam with normal trade relations. Ironically, the economic incentives provided in the Jackson-Vanik are all one-sided favoring U.S. firms doing business in Vietnam.

Mr. Chairman, Senator Scoop Jackson was a staunch anti-communist. Yet, he was willing

to consider to incentives to encourage the Soviet Union to relax its emigration policy.

In 1998, Charles Vanik, former Member and co-author of the Jackson-Vanik provision, sent me a letter expressing his strong opposition to the motion to disapprove trade credits for Vietnam and upholding the current waiver.

Vietnam is experiencing a new era, driving by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment.

The Vietnamese Government has made significant progress in meeting the emigration criteria in the Jackson-Vanik amendment. Through a policy of engagement and U.S. business investment, Vietnam has improved its emigration policies, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of POW/MIAs from the Vietnam War.

Despite problems of corruption and government repression, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open, respect human rights and follow the rule of law.

U.S. Ambassador to Vietnam, Pete Peterson, our esteemed former colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam. Renewing the Jackson-Vanik waiver will increase market access for U.S. goods and services in the 12th most populous country in the world.

Disapproval of this waiver will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Mr. Speaker, last year we debated and soundly rejected a similar disapproval resolution. I urge my colleagues to do the same today and uphold the presidential waiver of the Jackson-Vanik requirements.

Ms. LOFGREN. Mr. Speaker, I rise in support of H.J. Res. 99.

I represent San Jose California, a community greatly enhanced by the presence of immigrants. Many years ago, as a Supervisor on the Santa Clara County Board of Supervisors I worked with refugees escaping a brutal and oppressive political regime.

As an immigration lawyer, I did my best to help these courageous individuals adjust to their new life. During that time, I met families torn apart by a government that would not let them leave unless they escaped. All of these families sacrificed—so that some of them could see freedom.

Over the past two decades these brave people have become my friends and my neighbors. I have learned lessons about freedom and liberty from them. These same people tell me that we must not waive the Jackson-Vanik amendment.

I am a strong supporter of fair trade. I believe that an economic search for open markets often results in a more open society. I believe that an economic dialogue often results in an enhanced political one. I also believe that a trusted economic partner can evolve into a trusted political ally.

However, not every nation travels the same path to a more open society. In the case of Vietnam, I believe we can achieve more by

making Vietnam live up to the free emigration requirements of the Jackson-Vanik amendment to the Trade Act of 1974.

Why? Because Vietnam is so eager for a trade relationship with America that they would improve their human rights policies in order to get it—but only if we insist.

One cornerstone of our trade policy with nonmarket economies has been the Jackson-Vanik Amendment. This amendment requires that a country make progress in allowing free emigration in order to achieve normal trade status. More than two decades after the end of the Vietnam War, my congressional staff in San Jose continues to receive letters from Vietnamese American families seeking reunification with a brother or sister, a mother or a father, a son or a daughter.

Think of what this resolution says to them. More than two decades after the end of the Vietnam War, they are still waiting for a loved one. And in the face of their wait, we are exploring the extension of normal trade relations to a nation that still holds those captive who would leave if only they could.

I understand my colleagues when they say Vietnam has changed. It has changed, but not enough. In a 1999 review of Vietnam's human rights record, the State Department reached the conclusion that Vietnam's overall human rights record remained poor. The report pointed out that "the government continued to repress basic political and some religious freedoms and to commit numerous abuses." The report pointed out that the government was "not tolerating most types of public dissent."

Additionally, reports from human rights organizations indicate that the Vietnamese government has tried to clamp down on political and religious dissidents through isolation and intimidation. Dissidents are confined through house arrest and subject to constant surveillance. During her trip to Vietnam Secretary Albright said that the bilateral relationship between Vietnam and the United States "can never be totally normal until we feel that the human rights situation has been dealt with." I agree.

The essence of this debate is freedom—how we can best achieve greater freedom for the Vietnamese people and how we as a nation can more greatly influence the government to create a more open society. I believe that course is to pass this resolution. After all, leverage is no longer leverage once it is given away. I urge my colleagues to support H.J. Res. 99.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.J. Res. 99, Disapproving the Extension of Emigration Waiver Authority to Vietnam.

While the United States and Vietnam signed a trade agreement last week which requires Vietnam to overhaul its economy, by reducing tariffs on a range of goods and allowing foreign firms to participate in businesses in Vietnam; the resolution on the House floor today is whether Vietnam allows free and open emigration for its citizens. In 1999, President Clinton granted Vietnam a waiver of the Jackson-Vanik Amendment's on this condition. Unfortunately, not much improvement can be cited nor documented. *Boat People*, SOS an organization in my district, informed me that there is significant corruption in Vietnam and the Vietnamese government continues to exclude thousands of former political prisoners and

former U.S. government employees from participating in U.S. refugee programs. On average, an applicant must pay \$1,000 in bribes to gain access to these programs. In a country where the average Vietnamese's annual salary is \$250—impoverished former political prisoners and former U.S. government employees simply cannot afford these outrageous bribes to apply for these programs.

Corruption exists not only in the Vietnamese government but also undermines U.S. exchange programs as well. Our programs offer outstanding Vietnamese students the opportunity to study in the U.S. However, the Vietnamese government excludes those students whose parents are not members of the Communist cadre. Thus, many qualified Vietnamese students are denied the opportunity to study in U.S. exchange programs simply because their parents are not card-carrying members of the Communist party. This discrepancy is only one example of the apartheid system that the Vietnamese government has implemented to punish those who do not agree with their ideology.

On the issue of human rights, while Vietnam has released some political prisoners, many more remain imprisoned while the Communist government continues to arrest others for speaking out against the government. While the Vietnamese government may claim to make strides, I would like to share with you 2 prominent cases: Dr. Nguyen Dan Que, a prominent prisoner of conscience who was released in late 1998, remains under house arrest in Saigon; while Professor Doan Viet Hoat, a former prisoner of conscience who had been imprisoned for over 20 years for promoting democratic ideals, was forced to leave Vietnam as a condition of his release. The government of Vietnam does not tolerate liberties, such as the right to free speech, the right to freely practice one's religion, and the right to peacefully assemble. Reports reveal that the Vietnamese police have forced many religious groups to renounce their beliefs or face the threat of imprisonment. Furthermore, when I visited Vietnam in 1998, a Catholic priest told me that the Communist government did not allow him to wear vestments in public.

Even more egregious is the persecution of the Hmong, approximately 10,000 of them have had to flee their ancestral lands in the north, traveling 800 miles to the south central highlands in Dak Lak Province. Many have been arrested as "illegal migrants" or on charges of "illegal religion" as part of a government crackdown on Hmong Christians.

Mr. Speaker, in light of these offenses, I believe H.J. Res. 99 is an important bill that deserves the support of every Member, and I urge my colleagues on both sides of the aisle to vote in favor of this resolution.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Monday, July 24, 2000, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROHRBACHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 91, nays 332, not voting 11, as follows:

[Roll No. 441]

YEAS—91

Aderholt	Green (WI)	Metcalfe
Andrews	Gutknecht	Paul
Baca	Hall (TX)	Pitts
Bachus	Hayes	Pombo
Barr	Hayworth	Riley
Bartlett	Hefley	Rivers
Bonilla	Hill (MT)	Rogan
Bonior	Hilleary	Rohrabacher
Brown (OH)	Holden	Ros-Lehtinen
Burton	Hunter	Royce
Buyer	Hyde	Sanchez
Canady	Jackson-Lee	Sanders
Chabot	(TX)	Saxton
Chenoweth-Hage	Johnson, Sam	Scarborough
Coble	Jones (NC)	Schaffer
Collins	Kaptur	Shadeegg
Cook	Kasich	Sherwood
Cox	Kelly	Smith (NJ)
Davis (VA)	Kennedy	Souder
Deal	Kildee	Strickland
Diaz-Balart	King (NY)	Stump
Doolittle	Kucinich	Sweeney
Duncan	LaHood	Taylor (MS)
Ehrlich	Lazio	Taylor (NC)
Everett	Lewis (GA)	Walsh
Forbes	LoBiondo	Wamp
Fossella	Lofgren	Weldon (FL)
Goode	McIntyre	Weldon (PA)
Goodling	McKinney	Wolf
Graham	McNulty	Young (FL)
Green (TX)	Menendez	

NAYS—332

Abercrombie	Campbell	Emerson
Ackerman	Cannon	Engel
Allen	Capps	English
Archer	Capuano	Eshoo
Armey	Cardin	Etheridge
Baird	Carson	Evans
Baker	Castle	Farr
Baldacci	Chambliss	Fattah
Baldwin	Clayton	Filner
Ballenger	Clement	Fletcher
Barcia	Clyburn	Foley
Barrett (NE)	Coburn	Ford
Barrett (WI)	Combest	Fowler
Bass	Condit	Frank (MA)
Bateman	Conyers	Franks (NJ)
Becerra	Cooksey	Frelinghuysen
Bentsen	Costello	Frost
Bereuter	Coyne	Gallegly
Berkley	Cramer	Ganske
Berman	Crane	Gejdenson
Berry	Crowley	Gekas
Biggert	Cummings	Gephardt
Bilbray	Cunningham	Gibbons
Bilirakis	Danner	Gilchrest
Bishop	Davis (FL)	Gillmor
Blagojevich	Davis (IL)	Gonzalez
Bliley	DeFazio	Goodlatte
Blumenauer	DeGette	Gordon
Blunt	Delahunt	Goss
Boehlert	DeLauro	Greenwood
Boehner	DeLay	Gutierrez
Bono	DeMint	Hall (OH)
Borski	Deutscher	Hansen
Boswell	Dickey	Hastings (FL)
Boucher	Dicks	Hastings (WA)
Boyd	Dingell	Heger
Brady (PA)	Dixon	Hill (IN)
Brady (TX)	Doggett	Hilliard
Brown (FL)	Dooley	Hinchey
Bryant	Doyle	Hinojosa
Burr	Dreier	Hobson
Callahan	Dunn	Hoefel
Calvert	Edwards	Hoekstra
Camp	Ehlers	Holt

Hooley	Miller, George	Sensenbrenner
Horn	Minge	Serrano
Hostettler	Mink	Sessions
Houghton	Moakley	Shaw
Hoyer	Mollohan	Shays
Hulshof	Moore	Sherman
Hutchinson	Moran (KS)	Shimkus
Inslee	Moran (VA)	Shows
Isakson	Morella	Shuster
Istook	Murtha	Simpson
Jackson (IL)	Myrick	Sisisky
Jefferson	Nadler	Skeen
John	Napolitano	Skelton
Johnson (CT)	Neal	Slaughter
Johnson, E.B.	Nethercutt	Smith (MI)
Jones (OH)	Ney	Smith (TX)
Kanjorski	Northup	Snyder
Kilpatrick	Norwood	Spence
Kind (WI)	Nussle	Spratt
Kingston	Oberstar	Stabenow
Klecza	Obey	Stark
Klink	Olver	Stearns
Knollenberg	Ortiz	Stenholm
Kolbe	Ose	Stupak
Kuykendall	Owens	Sununu
LaFalce	Oxley	Talent
Lampson	Packard	Tancred
Lantos	Pallone	Tanner
Largent	Pascrell	Tauscher
Larson	Pastor	Tauzin
Latham	Payne	Terry
LaTourette	Pease	Thomas
Leach	Pelosi	Thompson (CA)
Lee	Peterson (MN)	Thompson (MS)
Levin	Peterson (PA)	Thornberry
Lewis (CA)	Petri	Thune
Lewis (KY)	Phelps	Thurman
Linder	Pickering	Tiahrt
Lipinski	Pickett	Tierney
Lowey	Pomeroy	Toomey
Lucas (KY)	Porter	Towns
Lucas (OK)	Portman	Trafficant
Luther	Price (NC)	Turner
Maloney (CT)	Pryce (OH)	Udall (CO)
Maloney (NY)	Quinn	Udall (NM)
Manzullo	Rahall	Upton
Markley	Ramstad	Velazquez
Martinez	Rangel	Visclosky
Mascara	Regula	Vitter
Matsui	Reyes	Walden
McCarthy (MO)	Reynolds	Waters
McCarthy (NY)	Rodriguez	Watkins
McCollum	Roemer	Watt (NC)
McCrery	Rogers	Watts (OK)
McDermott	Rothman	Waxman
McGovern	Roukema	Weiner
McHugh	Roybal-Allard	Weller
McInnis	Rush	Wexler
McKeon	Ryan (WI)	Weygand
Meehan	Ryun (KS)	Whitfield
Meek (FL)	Sabo	Wicker
Meeks (NY)	Salmon	Wilson
Mica	Sandin	Wise
Millender-McDonald	Sanford	Woolsey
Miller (FL)	Sawyer	Wu
Miller, Gary	Schakowsky	Wynn
	Scott	Young (AK)

NOT VOTING—11

Barton	Gilman	Radanovich
Clay	Granger	Smith (WA)
Cubin	Jenkins	Vento
Ewing	McIntosh	

b 1235

Messrs. EHLERS, DEMINT, CROWLEY and Ms. BERKLEY changed their vote from "yea" to "nay."

Messrs. DUNCAN, SOUDER, WAMP, SHERWOOD, BACHUS, FOSSELLA, BONILLA, BARTLETT of Maryland, and JONES of North Carolina changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

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MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except against section 153. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII, pro forma amendments for the purpose of debate, and the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. Each amendment printed in the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which

I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 563 is a modified open rule providing for consideration of H.R. 4942, the District of Columbia Appropriations Bill for fiscal year 2001.

The rule waives all points of order against consideration of the bill and provides for 1 hour of general debate divided equally between the chairman and the ranking minority member on the Committee on Appropriations.

The rule waives clause 2 of rule XXI, prohibiting unauthorized appropriations, legislative provisions or reappropriations in an appropriations bill, against provisions in the bill except as noted in the rule.

The rule makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD and those amendments printed in the Committee on Rules report. All points of order are waived against the amendments printed in the Committee on Rules report.

These amendments shall be offered by the Member designated in the report and only at the appropriate point in the reading of the bill. The amendments in the report shall be decreed as read and shall be debatable for the time specified in the report to be equally divided between a proponent and an opponent. Finally, the amendments printed in the report shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides a motion to recommit, with or without instructions, which is the right of the minority.

Mr. Speaker, House Resolution 563 is a modified open rule, similar to those considered for other general appropriations bills. Any Member who wishes to offer an amendment to the District of Columbia appropriations bill and has preprinted the amendment in the RECORD will have an opportunity to do so.

In order to better manage the debate, the Committee on Rules has structured the debate on four specific amendments. An amendment offered by the gentleman from Oklahoma (Chairman ISTOOK) would reprogram funds from a survey of the District's tax policies to help fund Metrorail construction.

Another amendment, to be offered by the gentleman from Kansas (Mr. TIAHRT), would prevent needle exchange programs from operating within 1,000 feet of schools, day care centers, playgrounds, public housing or other places where children play and spend time during the day.

The gentleman from Indiana (Mr. SOUDER) plans to offer an amendment

to prohibit the use of funds to finance needle exchange programs in the District. This language mirrors a provision in the D.C. appropriations bill that passed the House last year.

Finally, an amendment by the gentleman from California (Mr. BILBRAY) would prohibit individuals under the age of 18 from possessing tobacco in the District. The amendment imposes the same restrictions on tobacco use by minors that are in force in most States, including Maryland and Virginia.

Under this rule, the House will have the opportunity to exercise its responsibility to address these important social issues facing the District. Rather than avoiding controversial issues like needle exchanges and tobacco use by minors, Members of this House will be accountable to their constituents and the people of the District. I am pleased that this open rule will bring these honest policy disputes out into the open so that Americans will know where their Representatives stand on these issues that affect them right in their towns and neighborhoods.

Mr. Speaker, H.R. 4942 appropriates a total of \$414 million in Federal funding support for the District. I applaud the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee, and the gentleman from Virginia (Mr. MORAN), the ranking Member, for their hard work to produce this solid legislation. This is a responsible bill that makes the Federal Government a partner in D.C. government and helps our Nation's Capital move closer to the success and independence that its residents deserve.

On a separate note, this is the last of 13 appropriations bills that must be considered each year. The Committee on Appropriations has once again performed admirably, working within the responsible budget limits while managing the available resources to best serve the American people. Congress is on track to have all spending bills complete before the end of the fiscal year, having again preserved the Social Security surplus, provided tax relief for working Americans, and maintain important funding priorities that millions of Americans depend on.

Mr. Speaker, H.R. 4942 was favorably reported out of the Committee on Appropriations, as was this fair rule by the Committee on Rules. I urge my colleagues to support the rule so we can proceed with general debate and consideration of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the District of Columbia finds itself last, but certainly not least, in the appropriations lineup for fiscal year 2001. This is the last of 13 appropriations bills, but it is the bill which accords the least amount of respect to the residents of this city.

b 1245

Year after year, the Republican majority has gone out of its way to turn

what should be an easy task into an unnecessarily difficult one. This year is no different; and for that reason, Mr. Speaker, I rise in opposition to this rule and in opposition to the bill.

Mr. Speaker, last year the D.C. appropriations was considered six times before finally becoming the engine that drove the omnibus appropriations bill. I must ask, is there a good reason the Republican majority seems to want to repeat that exercise again this year?

The bill is loaded with the usual social riders the Republican majority seems willing to impose on the residents of the District, but not on their own constituents. Again the bill contains veto bait such as barring the District from using its own local funds to provide abortion services to low-income residents, or implementing its own domestic partnership law.

But to add insult to injury, this rule makes in order two amendments that the delegate from the District of Columbia specifically asked the Committee on Rules to deny. These two amendments, one relating to the issue of needle exchange and one relating to the sale of tobacco to minors, are perennial Republican favorites on this bill. But, Mr. Speaker, these are the amendments the elected government of the District of Columbia, as well as the gentlewoman from the District of Columbia (Ms. NORTON), oppose.

Mr. Speaker, the chairman of the Committee on Rules has pointedly through the consideration of 12 appropriation bills denied Members the right to offer amendments that required a waiver of clause 2 of Rule XXI; but when it comes to the District, the chairman and the Republican majority of the committee send out an engraved invitation to any Member who has a particular legislative ax to grind.

Mr. Speaker, is it any wonder the District Government has proposed license plates for its residents that proclaim "Taxation Without Representation"?

Mr. Speaker, I oppose this rule for the simple reason that the Republican majority has again set up this appropriation for an unnecessary protracted legislative debate. I urge my colleagues to vote no on this rule and on the bill. Let us put some common sense and some respect into this process.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to take a moment to point out to my colleague from Texas that no Democrat submitted a request for a waiver on amendment. The ones that were denied were only Republican amendments.

Mr. Speaker, I yield such time as he might consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, first of all I would like to thank the ranking minority Member, the gentleman from Virginia (Mr. MORAN). He and I have become very close friends in this body. It does not mean like two

Irishmen we do not disagree on occasion passionately, but I want to thank him. We disagree on some issues in this particular bill. I do not agree with everything in the bill; but like everything that comes forward in this House, it is a good bill overall.

The Constitution of the United States of America, and we were all sworn and held up our hand to support the Constitution, which says that all legislation, all legislation, for the D.C. area, is from this body. We were all sworn to uphold that. If we uphold the Constitution of the United States, we will support this bill because we are legislating in the best interests.

I would say to my friends on the other side that for 30 years you controlled this House, and if you take a look what happened to Washington, D.C., in those 30 years of neglect, look at the systems that are typical of the United States, you look at education. Members of Congress, the President, the Vice President, all send their children to private schools. Why? Because the D.C. system has been so terrible.

But I want to tell you, I have been in some of those schools; and I have seen some wonderful dedicated teachers and schools. But where you have roofs that are caving in, that the fire department has to shut down those schools, that we do not have the support over that 30 years for education systems, something is wrong.

We came in and appointed boards. Another bright light is Mayor Williams. He has got a monumental task at hand to get through that bureaucracy that he has; but if you look at education and what we have done, we fully funded charter schools. When my own party in the last Congress wanted to reduce the amount of funds for the public schools, we fought, the gentleman from Virginia (Mr. MORAN) and I, and said we reward schools for going in the right direction. We do not penalize them. Together we were able to come up with full funding for the public school systems and charter schools. I think that is a positive, and that is in this bill as well.

I look at the economy. When you have month-to-month leases because you have got some members in this bureaucracy taking money under the table on a month-to-month lease, we fought together to have those leases extended so we could get business to invest in Washington, D.C.

We can make this waterfront the best waterfront in the whole country, like San Diego or San Francisco or the others. But you cannot when you have got drugs going down there; and we have worked together, not only there but to clean up the Anacostia River, the worst river in the United States for pollution. The fecal count is the highest in any river in the United States. We are working together on a bipartisan fashion with the Mayor and on both sides to fix that. These are very positive things that we are working on.

But I would say to my friend that there are things in this bill that I dis-

agree with, and that my colleagues disagree with; but overall it is a good bill, and it moves not only the legislation forward, but in the long run it is the best for the D.C. residents. I would ask for full support of this.

I thank the gentleman from Oklahoma (Chairman ISTOOK) for his work with the ranking minority Member.

Mr. FROST. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time.

I want to begin as we embark upon the D.C. appropriation by thanking the gentleman from Oklahoma (Mr. ISTOOK) for his hard work on this bill. The gentleman and I have had disagreements on this bill, but I appreciate his efforts to work out some of those disagreements with me. I want to thank the gentleman from Virginia (Mr. MORAN) for his strong advocacy and work for the District as well.

Mr. Speaker, I rise to oppose a rule shot through with financial, operational, and social intrusions that should concern no one unless you happen to be a resident of the District of Columbia. D.C. is once again bringing up the rear of the appropriations. Here is hoping that the number 13 in the appropriations cycle has nothing to do with bad luck.

This should be the easiest of the 13 appropriation bills. Few Members have or should bother to acquire familiarity with the complicated, necessarily parochial operations of a big American city that is not their own.

Mr. Speaker, I oppose this rule because the bill before us is full of avoidable problems any city would have to find objectionable.

First, movement of available funds from D.C. priorities to others chosen by the subcommittee without any consultation with the District.

Second, movement of riders, and not only social riders, but riders that are so old that they are laughably out of date or redundant because the provisions are already in the D.C. code or Federal law. Anyone scrutinizing the D.C. appropriation would find attachments so dated or irrelevant as to cast doubt on the committee's work product.

With a lot of hard work and sacrifices, the District has emerged from insolvency, but the city has no State to fall back on and has urgent needs it cannot possibly fund. City officials requested funding from the President for some urgent priorities. The White House chose to fund just a few of them.

The city understands, of course, that the subcommittee's 302(b) allocation was cut, and, therefore, all the District's priorities could not be fully funded. The city fully understands that the shortfall was beyond the subcommittee's control. Those funds must, in our judgment, be restored. However, at the very least, the District cannot be expected to endorse transfer of whatever funds are left over after

the cuts to items not in the first tier of the city's own urgent priorities.

The White House funded the state functions that are now Federal responsibilities and added \$66.2 million for priorities negotiated and ratified by city officials. A cut of \$31 million from the 302(b) allocation left only \$34.8 million.

Instead of redistributing the scarce remaining funds to the District's stated priorities, \$13.85 million for new matters was actually added to the D.C. appropriation. How can items be added to an appropriation that has been cut? The only way to do this, of course, is to cut funding for the priorities the city has stated it must have. Yet, new items were added, for example, funding for the Arboretum, a Federal facility funded by the Agriculture Department that never before has appeared in a D.C. appropriation. Adding new items guaranteed that the District's priorities would be downgraded and defunded.

What was left after a combination of cuts and new additions was predictable: \$7 million instead of \$25 million for D.C.'s top economic priority, a New York Avenue subway station, now in great jeopardy; \$14 million instead of \$17 million for the D.C. College Access Act, despite a letter from Mayor Williams requesting funding for juniors and seniors previously excluded only because it was erroneously thought there would be insufficient funding. The subcommittee says to the District, pay for critical items like the New York Avenue Metro station, not from Federal funds, but from interest on D.C. funds held by the Control Board.

This requirement remains in the bill, despite a letter from the Control Board Chair, Alice Rivlin, that says that such funds no longer exist, but, to quote her words, "have already been included by the District as a source of funds to support governmental operations."

The requirement to pay for the subway from interest remains in the bill, despite the fact that D.C. could never pay for the great majority of a subway station's cost itself and was able to make a commitment to use its own funds for a station only because the OMB and the private sector had each committed to pick up one-third of the cost.

Mayor Williams wrote to Chairman ISTOOK: "In the case of the New York Avenue Metro, the reduction in Federal funds has sent a chilling message to the business community who have expressed interest in bringing business to the District. The \$22 million cut greatly imperils the District's ability to secure the private funds that were to be leveraged by the public allocation. Local businesses have made investments in the city based on this project. Without full funding, the success of this effort is jeopardized. I urge you to restore full funding."

It is one thing for the subcommittee to make cuts; it is quite another for the subcommittee to nullify the Dis-

trict's carefully thought-out priorities. Adding funding controversy to the attachments disputes that always surround this appropriation has not helped this bill, for we also will waste a lot of time discussing riders today. It is wasted time because, in the end, the riders have caused a veto of the bill; and to get the bill signed at all, they are removed or substantially changed.

The chairman indicated these riders simply reflected those transmitted by the President from prior years. OMB has worked with the District to remove riders from prior years that are outdated, no longer relevant or are already included in D.C. or Federal law; and the city has moved to make other riders permanent that should be permanent a part of D.C. law. The Chair must prefer long and wasteful debates, because he has reinserted into the bill not only the very few that were social riders, but all the redundant, outdated, and irrelevant riders as well.

What is the point, if we ever were striving to get a bill that could be signed? When even steps to remove patently irrelevant material provokes disagreement, we seem well on our way to a veto of the D.C. bill.

I had hoped for better this year. Please oppose this rule.

Mr. LINDER. Mr. Speaker, I yield such time as he might consume to the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for the opportunity to speak.

Mr. Speaker, I rise in support of this rule, which enables us to go forward with this bill which, in addition to the District of Columbia's own tax revenue, and budget allocates \$414 million from the taxpayers in the rest of the United States of America to the District of Columbia.

b 1300

Now one might have thought, from listening to people, that we are not doing anything for the District of Columbia, and here is \$414 million, Federal money from the rest of the country, not going to New York City, not going to Chicago or Los Angeles or Oklahoma City, we do not make direct appropriations to those communities or to any others, only the District of Columbia. This is in addition to its own tax revenues and budget, in addition to qualifying for Federal grants from all sorts of other sources. In addition to those, the District of Columbia gets \$414 million directly from the Federal Government. We do it year after year. Why? Because the District of Columbia is not just another city. It is the Nation's capital, so designated in the United States Constitution.

As the Nation's Capital, it has a very different relationship.

Now, I heard the gentlewoman from the District of Columbia (Ms. NORTON) in this House say, and I think these were the words, that what happens here

should not concern anyone not a resident of D.C., and said people should not be concerned with a city not their own. If that were the case, we would not be talking about \$414 million for Washington, D.C., but we are because Washington, D.C. is not just another city.

The Constitution specifies it is the Capital of the United States of America, and as the Capital it has a distinct position. Article I, section 8 of the U.S. Constitution says that exclusive control over all legislation, in all cases whatsoever, for the District of Columbia resides right here in the Congress of the United States, because the Founding Fathers knew that the Nation's Capital would be distinct, would be different.

One thing they wanted to be sure was that the Nation's Capital was in harmony with the rest of the country. We do not want one thing going on in what is supposed to symbolize and represent America that is totally foreign to the rest of the country. We do not want one set of standards in the Nation's Capital that is inconsistent with Federal law or that is inconsistent with the values of the Nation.

So to create that consistency, the Constitution says legislative control over the Nation's city belongs to the Nation.

I realize that is difficult sometimes for people that live here to recognize why it is set up that way, but to say that this should not concern people who are not residents or this is a city that does not belong to the rest of the country, I have to disagree. When one comes here and they see the best of Washington, they visit the Capitol, they see the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, the new memorials to FDR, to Korean veterans, the Vietnam veterans, the one underway for World War II veterans, they see those things and they get a sense, they get an inspiration from it. Then to be told, oh, no, they are not a part of this, this is not their city, sure it is. It is the Nation's city.

That is why we do things and will do things here today, to try to make sure that Washington, D.C. is in harmony with the Nation. If we are not the Nation's city would we have the hundreds of thousands of people that are employed here because the Federal Government is located here? No, the District of Columbia would not have that guarantee of employment, of revenue, of opportunity that comes with it. It would not enjoy that.

The District also would not have the burdens that come with it; the Presidential inauguration, for example, coming up. One of the things in this bill is approximately \$6 million to reimburse D.C. for special expenses that it will have when the presidential inauguration occurs, the security needs, all the influx of Americans coming here for the presidential inaugural. Now some cities would be saying, hey, that is great for business, that is great for

tourism; we do not need the extra money to pay for these additional costs; that revenue itself is going to be enough.

We have not taken that approach with D.C. We have said they have an extra burden. We want to help them with it. So some of the money which the gentlewoman complains about, and says I wish it were applied some place else, is to reimburse the District of Columbia for this expense when they have to have all of the overtime, all the extra work by their transit people, their public safety people, their people that work with waste disposal, with cleaning up afterward. It is a big expense, and we are trying to be responsible in taking care of that.

Washington, D.C., in addition to \$414 million of Federal money from the rest of the country under this bill, still qualifies the same as any other municipality and school district in the Nation to receive Federal grants, Federal assistance, Federal funds that help their schools. In addition, they get transportation grants.

One of the riders of which the gentlewoman complains is to improve the ability of Washington, D.C. to fully qualify for grants from the Environmental Protection Agency, because they do have pollution problems, especially the Anacostia River. We provided special funding to help with cleaning that up. We are doing these things because we do believe Washington, D.C. belongs to all of us. We do not all live here. There is a difference between people who live here and people who do not, but that difference is not to say that the Nation's Capital does not belong to all of us. It does belong to all of us. It must belong to all of us, and if we want to have pride in the country we have to have pride and confidence in what is happening in Washington, D.C.

If we find out that the District is going off in a totally different direction and thereby become the symbol for the whole country, we have to make sure that it is in tune instead. So sometimes the local officials do things and Congress says, no. If you were in New York, if you were Chicago, if you were Detroit, if you were Phoenix, if you were Tampa, if you were Wisconsin's Madison, any of these other communities, we would not do that because they are not the Nation's Capital.

They do not belong to all of us, but we will do some things differently.

This rule makes in order an opportunity to consider those things, and Members have had the opportunity to present them.

Now I heard the gentlewoman from the District of Columbia (Ms. NORTON) say, well, we have riders on the bill and some of them have been there too long. Well, what was not mentioned was we went through and we dropped 25 provisions that have been carried year after year after year after year in this bill that we did not see where they served any further purpose. We knocked out 25 of them.

Now, are there some others that still need to go? We are going to look at them and continue to make deletions as we go through the process. If something is actually outdated or covered by some other provision of law, we will continue working with people to do that. But the ones that remain are the ones in harmony with what I have explained, that distinct relationship between the Nation's Capital and the Nation. It is not just another city.

We have in this bill, and this is a program adopted last year, we have in this bill millions of dollars to provide assistance to any student who has graduated from public school, or private school for that matter, in the District of Columbia. I think the cutoff date is since 1998. This program provides them assistance up to \$10,000 a year to go to college. We have not done that for any other community in the country.

We think there are good reasons why we have set it up, because there is not a State education system and there are definitely education problems, major ones, here in the District of Columbia. That program was started last year and every penny necessary for every student who qualifies is fully funded in this bill, plus a reserve fund of about an extra 12 percent.

We hear people say but the President requested more. Well, last year we appropriated \$17 million for the program. Guess what? Now that we have had a year to get the program in motion to find out how much it really costs, we found out that \$14 million does the job. So there is a \$3 million carryover. So we do not need to appropriate as much next year, but we have still gone 12 percent beyond what they figured they needed next year just to be sure.

Just because we do not give the same amount of money as the President requests does not justify coming here and saying, oh, our budget is being cut. No, that simply is not true. We are not cutting a single penny from the budget submitted by the District of Columbia with the control board that has been helping it out with oversight. Not a single penny is cut from their budget. We have approved their budget, and we have \$414 million of Federal money beyond that.

The Federal Government, a couple of years ago, assumed new responsibilities. We are in charge of funding the court system. We are in charge of funding the probation and parole services. We are in charge of funding the prison system. That consumes most of the \$414 million, and we fund that in here.

Yes, sometimes Federal agencies submit budgets to us, and we make adjustments, but we have not adjusted the District's own budget.

Now let us talk about this Metro station. We have put over \$7 million of Federal money in this bill and allocated an additional \$18 million from an account where the District deposits funds it gets from the Federal government and collects interest on those and other funds. We have said they can use

the rest. Last year it was Congress that made the decision on how to use that same fund, to assist the District with buy-outs of its employees because they have a big problem with too many workers not doing enough work. To try to reduce the size of the work force the Mayor, Anthony Williams, who is a good man and a good mayor, says he needs to reduce the size by buying out people's contracts. And we provided money from the same fund last year, done by this Congress, to help them with what the Mayor said was his top priority.

This year, we are told the top priority is the Metro station, we said fine, we will make that money available from that same fund for the Metro station, and suddenly we are told, oh, we are meddling; that they should not have to use that fund for the metro construction.

Contrary to what has been claimed by some people before, that fund is not part of the District's budget. The District has not put any budget here that says this is a part of our budget to spend it. What they have done, since we said we will put it on their top priority then, they have come up with a laundry list and say, oh, we want to spend it on some different things instead. Some of those things are bonuses for people working in the Mayor's office. Some of those things are severance pay, perhaps golden parachutes, for this control board that has been helping with the fiscal responsibility in helping D.C. get its budget back in balance, which they have done and they deserve a lot of credit for that, both D.C. and the control board, because they were in deficit for so many years and now they are in their 4th year of having a budget surplus; and we want that to continue.

As this control board goes out of existence, they want to double their budget in their last year, double their budget in their last year. They want to go into this fund, which we say ought to go to the New York Avenue Metro station, and they say no, we ought to help double the budget in the last year for the control board so we can have all of these real nice severance pay packages for them.

That is what this debate is about. We have funded the priorities of the District. Every penny that is necessary for what has been authorized in this college assistance program is in the bill, paid for. We have provided the money for the New York Avenue Metro station. Now we were told those are the top two priorities, and we have been responsible and handled them responsibly. Had this been the top two priorities for any other city in the country, do my colleagues think they would get a direct Federal appropriation for it like this? No. They might qualify for Federal assistance through different grant programs and apply for this and so forth, but they would not just get it handed to them on a silver platter, saying because they are Washington, D.C.

we are going to do something more for them. We are trying to be responsible and do that, and it really galls me to hear some people in the District griping: "well, this is being done for us but we want more."

The rest of the country does not appreciate that. The rest of the country, if they see somebody from Washington, D.C. in their State and the license plate says "Washington, D.C., taxation without representation," what will they think? Something very different than people in the District will think. Others around the country will think, yes, they are taking my money and I am not getting enough representation for it.

Let us have some perspective here. We have a special responsibility for the Capital of the United States of America. It has severe drug problems. It has severe crime problems. It has some decrepit public schools that need improvement for the future of our kids. It has major management problems and a huge bureaucracy that has more confusion and more complexity than the Federal bureaucracy, but still it is the Nation's Capital and we are doing things trying to help D.C. come back and rebound.

b 1315

And I hear people come up on this Floor and try to pretend, oh, you are not doing this and you are not doing that. Take a look at what we are doing. This is a good bill. It deserves support from every Member of this body. It deserves support from people who say, I do not want to give money to Washington, D.C., because I do not like a lot of the things they do there. I understand that; I do not like a lot of things the District does either. But it is the Nation's Capital; it was set up differently under the Constitution. They do not get the same tax base that some people do because of all of the Federal land here.

There are restrictions on construction, for example, of high-rise buildings that do not exist elsewhere, because of national security issues. The District is different. We should be helping the District, whether one is on the right, or on the left, or in the middle. We are doing the right thing with this bill. Because it gives us a fair chance to consider the differences, the rule should be adopted, and the bill as well.

I thank the gentleman for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this rule should be rejected.

Let me first say to the chairman of the subcommittee, I appreciate his

feelings that are inspired by the Federal monuments, whether it be the F.D.R. Memorial, the Vietnam Memorial, the Washington Monument, or the Lincoln Memorial. Of course, that is all on Federal land, it is owned by the Federal Government, it is run by the Interior Department through the National Park Service. That is not at issue here.

What we are talking about here is the people who live within the District of Columbia who buy their own home, who are responsible for maintaining their own property, who elect their own representatives, and would like their representatives to be able to represent them, but would not like the Congress necessarily to be overruling their elected representatives, because they have no democratic right to hold us accountable, and that is the problem with this bill. The legitimately elected representatives of the District of Columbia are being overridden by Members of Congress who will never be held accountable for what they do to the District of Columbia.

In terms of the budget, we made a deal back in 1997. Basically, because the District of Columbia has no State to support it, there are certain functions that we agreed we would pick up, and those functions are being short-changed in this bill to the tune of \$31 million. The bill is even \$22 million less than last year's level. For those reasons, plus four specific reasons, I think this rule should be rejected.

First of all, it protects four Republican amendments, which are all of the Republican amendments that were offered. Those Republican amendments, if they were treated the same way as the Democratic amendments, would be subject to a point of order. The Democratic amendments are all subject to a point of order. The gentlewoman from the District of Columbia (Ms. NORTON) wanted to offer a "Democracy" amendment. I think she has some very compelling arguments, and I totally agree with those arguments; but they are going to be ruled out of order. We cannot bring them up, we cannot get a vote on them, because they are not protected. Why? Because they were Democratic amendments.

Secondly, two of these Republican amendments that could have been ruled out of order are wholly contrary to what we would do to our own citizens in the jurisdictions that we are legitimately elected to represent. The Tiahrt needle exchanges amendment inserts new language that will kill the District's private needle exchange program that is run by a local nonprofit organization. It negates it. We are going to show that. It means that, despite what the House full Committee on Appropriations did, this program, run by a private organization, will not be able to operate. No Federal and no local public funds are involved in this program, and yet we are going to ensure that it cannot even operate.

The Bilbray smoking amendment would impose Federal penalties and

sanctions on children caught smoking. That is a well-intentioned thing to do, but no other jurisdiction in this country faces a similar Federal penalty for children caught smoking. We would never do that to any district we represent. It is clearly legislating on an appropriations bill. There is not one Member of this body that would impose this restriction on any citizen that elects them directly to represent them.

Third, it protects the bill against a point of order that could be raised against a whole host of provisions in this bill that are legislating on an appropriations and have no business in an appropriations bill. We do not have those type of legislative restrictions on any other appropriations bills. They are punitive provisions put in to fix one-time situations and left in there.

Lastly, these amendments are a clear violation of the spirit of District home rule, offering amendments that prohibit the District from implementing local initiatives where no Federal funds are involved. It is an abuse of congressional power. With the passage of the 1997 D.C. Revitalization Act that eliminated direct Federal payments to the district, the context and circumstances with which Congress might have justified past intervention is now gone. Federal taxpayer funds are not involved, we should not be involved, and that means we should vote against the rule.

Mr. FROST. Mr. Speaker, I urge a no vote on the rule.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge all of my colleagues to support this rule so we can begin the important debate on the Washington, D.C. Appropriations bill for 2001.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and Rules of the House. The Sergeant at

Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The vote was taken by electronic device, and there were—yeas 217, nays 203, not voting 14, as follows:

[Roll No. 442]

YEAS—217

Aderholt	Goodlatte	Pitts
Archer	Goodling	Pombo
Armey	Goss	Porter
Bachus	Graham	Portman
Baker	Green (WI)	Pryce (OH)
Ballenger	Greenwood	Quinn
Barr	Gutknecht	Radanovich
Barrett (NE)	Hall (TX)	Ramstad
Bartlett	Hansen	Regula
Bass	Hastings (WA)	Reynolds
Bateman	Hayes	Riley
Bereuter	Hayworth	Rogan
Biggert	Hefley	Rogers
Bilbray	Herger	Rohrabacher
Bilirakis	Hill (MT)	Ros-Lehtinen
Bliley	Hilleary	Roukema
Blunt	Hobson	Royce
Boehlert	Hoekstra	Ryan (WI)
Boehner	Horn	Ryun (KS)
Bonilla	Hostettler	Salmon
Bono	Houghton	Sanford
Brady (TX)	Hulshof	Saxton
Bryant	Hunter	Scarborough
Burr	Hutchinson	Schaffer
Burton	Hyde	Sensenbrenner
Buyer	Isakson	Sessions
Callahan	Istook	Shadegg
Calvert	Johnson (CT)	Shaw
Camp	Johnson, Sam	Shays
Campbell	Jones (NC)	Sherwood
Canady	Kasich	Shimkus
Cannon	Kelly	Shows
Castle	King (NY)	Shuster
Chabot	Kingston	Simpson
Chambliss	Knollenberg	Skeen
Chenoweth-Hage	Kolbe	Smith (MI)
Coble	Kuykendall	Smith (NJ)
Coburn	LaHood	Smith (TX)
Collins	Largent	Souder
Combest	Latham	Spence
Cook	LaTourette	Stearns
Cooksey	Lazio	Stump
Cox	Leach	Sununu
Crane	Lewis (KY)	Sweeney
Cunningham	Linder	Talent
Davis (VA)	LoBiondo	Tancredo
Deal	Lucas (OK)	Tauzin
DeLay	Manzullo	Taylor (NC)
DeMint	Martinez	Terry
Diaz-Balart	McCollum	Thomas
Dickey	McCrery	Thornberry
Doolittle	McHugh	Thune
Dreier	McInnis	Tiahrt
Duncan	McKeon	Toomey
Dunn	Metcalf	Trafficant
Ehlers	Mica	Upton
Ehrlich	Miller (FL)	Vitter
Emerson	Miller, Gary	Walden
English	Moran (KS)	Walsh
Everett	Myrick	Wamp
Fletcher	Nethercutt	Watkins
Foley	Ney	Watts (OK)
Fossella	Northup	Weldon (FL)
Fowler	Norwood	Weldon (PA)
Franks (NJ)	Nussle	Weller
Frelinghuysen	Ose	Whitfield
Gallely	Oxley	Wicker
Ganske	Packard	Wilson
Gekas	Paul	Wolf
Gibbons	Pease	Young (AK)
Gilchrest	Peterson (PA)	Young (FL)
Gillmor	Petri	
Goode	Pickering	

NAYS—203

Abercrombie	Berman	Capps
Ackerman	Berry	Capuano
Allen	Bishop	Cardin
Andrews	Blagojevich	Carson
Baca	Blumenauer	Clay
Baird	Bonior	Clayton
Baldacci	Borski	Clement
Baldwin	Boswell	Clyburn
Barcia	Boucher	Condit
Barrett (WI)	Boyd	Conyers
Becerra	Brady (PA)	Costello
Bentsen	Brown (FL)	Coyne
Berkley	Brown (OH)	Cramer

Crowley	Kilpatrick	Phelps
Cummings	Kind (WI)	Pickett
Danner	Klecza	Pomeroy
Davis (FL)	Kucinich	Price (NC)
Davis (IL)	LaFalce	Rahall
DeFazio	Lampson	Rangel
DeGette	Lantos	Reyes
Delahunt	Larson	Rivers
DeLauro	Lee	Rodriguez
Deutsch	Levin	Rothman
Dicks	Lewis (GA)	Roybal-Allard
Dingell	Lipinski	Rush
Dixon	Lofgren	Sabo
Doggett	Lowey	Sanchez
Dooley	Lucas (KY)	Sanders
Doyle	Luther	Sandlin
Edwards	Maloney (CT)	Sawyer
Engel	Maloney (NY)	Schakowsky
Eshoo	Markey	Scott
Etheridge	Mascara	Serrano
Evans	Matsui	Sherman
Farr	McCarthy (MO)	Sisisky
Fattah	McCarthy (NY)	Skelton
Filner	McGovern	Slaughter
Forbes	McIntyre	Snyder
Ford	McKinney	Spratt
Frank (MA)	McNulty	Stabenow
Frost	Meehan	Stark
Gejdenson	Meek (FL)	Stenholm
Gephardt	Meeks (NY)	Strickland
Gonzalez	Menendez	Stupak
Gordon	Millender	Tanner
Green (TX)	McDonald	Tauscher
Gutierrez	Miller, George	Taylor (MS)
Hall (OH)	Minge	Thompson (CA)
Hastings (FL)	Mink	Thompson (MS)
Hilliard	Moakley	Thurman
Hinchey	Mollohan	Tierney
Hinojosa	Moore	Towns
Hoefel	Moran (VA)	Turner
Holden	Morella	Udall (CO)
Holt	Murtha	Udall (NM)
Hooley	Nadler	Velazquez
Hoyer	Napolitano	Visclosky
Inslie	Neal	Waters
Jackson (IL)	Oberstar	Watt (NC)
Jackson-Lee	Obey	Waxman
(TX)	Olver	Weiner
Jefferson	Ortiz	Wexler
John	Owens	Weygand
Johnson, E. B.	Pallone	Wise
Kanjorski	Pascrell	Woolsey
Kaptur	Pastor	Wu
Kennedy	Payne	Wynn
Kildee	Pelosi	
	Peterson (MN)	

NOT VOTING—14

Barton	Jenkins	McIntosh
Cubin	Jones (OH)	Roemer
Ewing	Klink	Smith (WA)
Gilman	Lewis (CA)	Vento
Granger	McDermott	

b 1344

Messrs. KUCINICH, CROWLEY and THOMPSON of California and Mrs. MALONEY of New York, Ms. BROWN of Florida and Mrs. CLAYTON changed their vote from "yea" to "nay".

Mr. SMITH of Michigan and Mr. SHOWS changed their vote from "nay" to "yea".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. McDERMOTT. Mr. Speaker I was unavoidably detained by official business and unable to vote on H. Res. 563. I would have voted against H. Res. 563 (rollcall No. 442).

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PERSONAL EXPLANATION

Ms. GRANGER. Mr. Speaker, due to attendance at a funeral, I was not present for several rollcall votes today.

Had I been present, I would have voted "aye" on rollcall 439, 440 and 442. I would have voted "no" on rollcall 441.

b 1345

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

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DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 4942.

b 1346

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the appropriation bill that we consider each year for the District of Columbia, the Capital of the United States of America. In addition to local monies and in addition to monies that the District receives, just as other communities and other States do through different Federal programs for transportation, for education, for public assistance, for Medicaid and Medicare; in addition to all of those, this bill appropriates \$414 million for the District of Columbia to operate its prisons, its courts, and the program of supervising those that are on some form of probation or parole.

And even beyond that, this makes additional monies available for a number of special items in the District of Columbia, such as the new expansion of the metro system, the subway system

in the District; funding for a special college tuition program that provides thousands of dollars to D.C. students to go to college, dollars that are not provided to students from any other part of the country; providing environmental cleanup monies; or providing assistance in the development and the strengthening of the charter school movement here in the District of Columbia.

I do not want to detail all of them right now. I do not think I need to. Mr. Chairman, as I made the point earlier, this is a different community than any other community in the Nation or we would not be talking about this. We would not be making special money available to D.C. were it not our Nation's Capital.

We have a Nation's Capital that was in severe financial straits, basically bankrupt financially, a few years ago; murder rates were at the top of the charts; failure rates in schools at the bottom. This Congress got busy several years ago and created a plan to restructure and restrengthen the District of Columbia, to get it back on its feet. And I want to applaud the people that were involved in this Congress, the people that were involved in the administration, the people involved in the District government, the people involved on the control board that was set up to oversee the District government, who collectively have worked together and have brought the Nation's Capital out of bankruptcy so that this year, for the fourth straight year, they are going to have a budget surplus. The figure I am hearing is they are looking at a surplus of about \$280 million. That is great.

Now, it would not have happened, Mr. Chairman, had the Federal Government not assumed some direct liabilities that other States and communities face themselves, such as I mentioned earlier, the prison system, the court system and so forth. We also assumed some retirement obligations that are not directly appropriated but are paid through the Federal Government, and increased the Federal share of Medicaid reimbursements from 50 percent to 70 percent. So, with that

help, and some of it seen and some unseen, but with an agreement of involvement and help of this Congress, the District of Columbia is back on its financial feet.

They still have severe problems in schools, with drugs, with crime, but there is also a resurgence of the business community. The D.C. Council—and they deserve all the credit in the world for this—a year ago they led the way saying that D.C. was going to reduce taxes on people here because they wanted people to come back and live in the city. Tens of thousands of people over the years moved out of the District. We want them back and we want to create financial incentives as well as a better and safer place for the people who live here, who work here, and who visit here.

The District has made a lot of financial progress. But everything is not straightened out yet, and we understand that and we are trying to work patiently. There is a new Mayor: Anthony Williams. He is a good man doing a good job, really focusing on working the bureaucracy and getting it whittled down because it consumes resources and it stops things from happening that ought to be happening, whether it is a business that wants a permit or whether it is a matter of running the D.C. General Hospital.

Now, here we have a public hospital that already gets tens of millions of dollars each year in direct subsidies from the District government and still has been going beyond that. They have taken hundreds of millions of dollars in money that was not even budgeted. It was not even budgeted. And here is where I will fault the local government. They took money that was not even budgeted, and hundreds of millions of dollars were supposedly loaned to the hospital and then they wrote off the loans. The District needs to be honest in its budgeting. And taxpayers are not getting their monies' worth in public health benefits, yet they are paying inordinately high amounts for it. And they are paying through the use of gimmicks such as loans, which they then write off.

I say that as one example of the management problems and the waste problems that are still severe in the District. If they took even half the money that they were wasting and applied it to things like a metro station, or a cleanup problem, or an economic development problem, whatever it might be, they would not need to ask for special money from Congress to help with the revitalization of the District of Columbia. They would have it.

So we are trying to work with them on all fronts. This bill does that. It helps with the charter school movement, which is a part of public schools, but is run differently without the normal school bureaucracy, that is approaching 15 percent of the students in D.C. public schools. These parents have chosen to send their children to a public charter school instead of one of the other regular public schools, and we are trying to help give them equal footing with the regular public schools as far as the way that public resources are allocated and the way the bureaucracy treats them so the bureaucracy does not try to hold them back but, for the benefit of the future of these kids, it lets them advance.

So we will have a debate, Mr. Chairman, on many of these different items. I know it is not all financial. Life is not just all about money, and being the Nation's Capital and being in harmony with the rest of the country is not all about money either.

I appreciate the gentleman from Virginia (Mr. DAVIS), who chairs the authorizing committee, the oversight committee. We have not worked with him as smoothly as we should have on many things, but he and his committee have been so supportive of helping D.C. to get back on its feet and helping to make reforms happen in Washington, D.C.

Mr. Chairman, I am submitting herewith for the RECORD a chart comparing the amounts recommended in H.R. 4942 with the appropriations for fiscal year 2000 and the request for fiscal year 2001:

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2001 (H.R. 4942)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
FEDERAL FUNDS					
Federal payment for Resident Tuition Support.....	17,000	17,000	14,000	-3,000	-3,000
Federal payment for Incentives for Adoption of Children.....	5,000	5,000	.....	-5,000	-5,000
Federal Payment to the Chief Financial Office of the District of Columbia.....	.....	.....	1,500	+1,500	+1,500
Federal payment to the Citizen Complaint Review Board.....	500	.....	.....	-500	.....
Federal payment to the Department of Human Services.....	250	.....	.....	-250	.....
Federal payment to the District of Columbia Corrections Trustee Operations.....	176,000	134,300	134,300	-41,700	.....
Federal payment to the District of Columbia Courts.....	99,714	103,000	99,500	-214	-3,500
Defender Services in District of Columbia Courts.....	33,336	38,387	34,387	+1,051	-4,000
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia.....	93,800	103,527	115,752	+21,952	+12,225
Federal payment of Washington Interfaith Network.....	.....	.....	1,000	+1,000	+1,000
Children's National Medical Center.....	2,500	.....	.....	-2,500	.....
Federal payment for Metropolitan Police Department.....	1,000	.....	.....	-1,000	.....
Federal payment to the General Services Administration (Lorton Correctional Complex).....	6,700	.....	.....	-6,700	.....
Federal payment to the Georgetown Waterfront Park Fund.....	1,000	.....	.....	-1,000	.....
Federal payment for Study of Tax Reform in the District.....	.....	.....	100	+100	+100
Federal payment for Simplified Personnel System.....	.....	.....	250	+250	+250
Metrorail construction.....	.....	25,000	7,000	+7,000	-18,000
(By transfer).....	.....	.....	18,000	+18,000	+18,000
Federal payment for the National Museum of American Music.....	.....	3,000	250	+250	-2,750
Federal payment for Brownfield remediation.....	.....	10,000	.....	.....	-10,000
Presidential Inauguration.....	.....	6,211	5,961	+5,961	-250
Total, Federal funds to the District of Columbia.....	436,800	445,425	414,000	-22,800	-31,425
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
District of Columbia Financial Responsibility and Management Assistance Authority.....	(3,140)	(6,500)	(3,140)	.....	(-3,360)
Governmental direction and support.....	(167,356)	(197,771)	(194,621)	(+27,265)	(-3,150)
Economic development and regulation.....	(190,335)	(205,638)	(205,638)	(+15,303)	.....
Public safety and justice.....	(778,770)	(762,346)	(762,346)	(-16,424)	.....
Public education system.....	(867,411)	(998,418)	(995,418)	(+128,007)	(-3,000)
Human support services.....	(1,526,361)	(1,542,204)	(1,532,204)	(+5,843)	(-10,000)
Public works.....	(271,395)	(278,242)	(278,242)	(+6,847)	.....
Receivership Programs.....	(342,077)	(394,528)	(389,528)	(+47,451)	(-5,000)
Workforce Investments.....	(8,500)	.....	.....	(-8,500)	.....
Buyouts and Management Reforms.....	(18,000)	.....	.....	(-18,000)	.....
Reserve.....	(150,000)	(150,000)	(150,000)	.....	.....
Financing and Other.....	(384,948)	(331,529)	(331,279)	(-53,669)	(-250)
Procurement and Management Savings.....	(-21,457)	.....	.....	(+21,457)	.....
Total, operating expenses, general fund.....	(4,666,836)	(4,867,176)	(4,842,416)	(+155,580)	(-24,760)
Enterprise Funds					
Water and Sewer Authority and the Washington Aqueduct.....	(279,608)	(275,705)	(275,705)	(-3,903)	.....
Lottery and Charitable Games Control Board.....	(234,400)	(223,200)	(223,200)	(-11,200)	.....
Sports and Entertainment Commission.....	(10,846)	(10,968)	(10,968)	(+122)	.....
Public Benefit Corporation.....	(89,008)	(78,235)	(78,235)	(-10,773)	.....
D.C. Retirement Board.....	(9,892)	(11,414)	(11,414)	(+1,522)	.....
Correctional Industries Fund.....	(1,810)	(1,808)	(1,808)	(-2)	.....
Washington Convention Center.....	(50,226)	(52,726)	(52,726)	(+2,500)	.....
Total, Enterprise Funds.....	(675,790)	(654,056)	(654,056)	(-21,734)	.....
Total, operating expenses.....	(5,362,626)	(5,521,232)	(5,496,472)	(+133,846)	(-24,760)
Capital Outlay					
General fund.....	(1,218,638)	(1,029,975)	(1,022,074)	(-196,564)	(-7,901)
Water and Sewer Fund.....	(197,169)	(140,725)	(140,725)	(-56,444)	.....
Total, Capital Outlay.....	(1,415,807)	(1,170,700)	(1,162,799)	(-253,008)	(-7,901)
Total, District of Columbia funds.....	(6,778,433)	(6,691,932)	(6,659,271)	(-119,162)	(-32,661)
Total:					
Federal Funds to the District of Columbia.....	436,800	445,425	414,000	-22,800	-31,425
District of Columbia funds.....	(6,778,433)	(6,691,932)	(6,659,271)	(-119,162)	(-32,661)

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the District of Columbia has 13 elected city council members; they have an elected mayor; and there are six members on the control board that are not elected but have responsibility. It is more members than we have on the Subcommittee on the District of Columbia of the Committee on Appropriations, and yet we gave the elected representatives of the District of Columbia 1 day of hearings and then turned around the very next day and marked up this bill.

In the markup we decided to impose our fixes on some of the most serious problems that the District faces. For example, let me just give one example. In Anacostia, in the poorest part of this city and one of the poorest parts of this Nation, where there are homicides that occur on a nightly basis, where there is some of the worst poverty and desperation, rapes and all the things that occur when too many low-income people are forced into desperate circumstances, they depend on what is called D.C. General Hospital. The folks who use that hospital do not have health insurance, for the most part, and the care they need is very expensive care and it is very difficult to get doctors and health care professionals working there.

So what we decided to do, because they have management problems and financial problems, is to say that D.C. General cannot use its line of credit any more. It is actually operated by what is called the Public Benefits Corporation. We are now told that means that this hospital goes under; it will become insolvent within a year, as well as the Southeast Community and a number of health care clinics in Southeast D.C. that deal with women and children throughout the neighborhoods.

Now, an alternative might have been to consult with the mayor, the city council, the professional experts working on this problem. But we did not do that. We gave 1 day, then imposed our solutions. I do not think that is the way we should be doing things.

Now, we are going to talk at greater length on that when we have a specific discrete amendment on that issue, but it is typical of a number of what are called general provisions in this bill that attempt to legislate and to override what D.C.'s legitimately elected officials are trying to do to solve their own problems. But in addition to that, we have a funding shortfall. The bill is \$31 million short of what the administration and the District of Columbia government requested. It is \$22 million below what Congress appropriated for the District of Columbia last year.

Now, what excuse can we offer? We are in a time of great surplus. This is one of the cities that needs help the most. It is our capital city, and we

made a commitment in the 1997 D.C. Revitalization Act to assume certain responsibilities; to make them Federal responsibilities. And now, in this bill, we are shortchanging the D.C. government, reneging on our commitment to the tune of \$31 million. In a \$1.7 trillion budget we cannot find \$31 million to meet our own commitments? The fact is we can, but we choose not to.

Now, with this lower allocation, what don't we fund? Well, we have two critically needed economic development initiatives in the District, and one is completion of a New York Avenue metro station. The private sector, the business community, said that they would put up \$25 million, D.C.'s own taxpayers said they would put up \$25 million, and the Federal Government was to put up \$25 million as well. This bill does not do that, though. They met their share, we are not meeting our share.

We are putting up \$7 million in federal funds. We are going to use \$18 million from an interest account that exists, but we find out now that the \$18 million does not exist. It has already been used in the D.C. budget that has already been submitted; that has been approved by the District and will become law unless Congress disapprove it, which we will not do.

So the \$18 million does not exist. It is a shell game. It is double counted. So we are underfunding the New York Avenue metro station when two-thirds of it is not even being funded by the Federal Government.

And then there is the Poplar Point brownfield remediation project, an excellent project. We agree with it. We give it all the rhetoric and none of the money that it needs.

b 1400

We will not have the funds to extend the foster care adoption incentives. There are kids languishing in the foster care. There are people that want to adopt them, good parents, and we underfund that. It even underfunds our own Financial Control Board that we set up to oversee the District's budget.

So I do not think that this is a bill that we should be particularly proud of. But even more troubling, once again we are going to debate a series of social riders and address some new ones as well that violate the principle of democracy and home rule and restrict how the District may elect to use its own funds to address its own set of priorities.

Earlier this year I asked the gentleman from Oklahoma (Chairman ISTOOK) if we could not start with a clean appropriations bill this year, clear it of all of last year's general provisions that did not belong in an appropriations bill. The District of Columbia, the Mayor, and the President of the United States followed this recommendation in their budget. But we have not done so.

We have got 68 superfluous general provisions; and in the vast majority of

them we would never think of imposing these kind of punitive, paternalistic restrictions on any jurisdiction that we were elected to represent.

Why do we do it to the District of Columbia? We do it to the District of Columbia because they cannot fight back, they are helpless, we have control over them, and they cannot vote us out of office. They cannot hold us responsible. They cannot do a darn thing to us. And so we beat up on them with these kinds of restrictive provisions and make ourselves look good back home.

So we are going to offer a series of amendments here. I know we will probably lose them, and many of them are going to be found out of order because of this rule that protected Republican amendments and did not protect the Democratic initiatives.

One of them deals with a controversial issue, medicinal use of marijuana. But what did we do? We decided that D.C. took a referendum, and we prevented them for the last year from even counting the results of that referendum.

Well, that is not the responsible way to address a controversial issue. I will not get into that any further except to say this is not the way that we treat a community; it is not the way we would treat communities within our district.

We have got a domestic partners law, and it says that D.C. cannot offer health insurance for domestic partners. But yet 3,000 employers across the country do it in any number of State and local jurisdictions. We never restrict any of those States and local jurisdictions. We did not tell employers they cannot do it, but we tell D.C. it cannot do it.

There is a Contraceptive Coverage Act that has received a lot of publicity. It does seem that if a health insurance company is going to cover things like Viagra for men, it ought to cover contraception for women. That seems only fair and equitable.

We put in legislation that said that they cannot do that unless they include the kind of religious exemption and ability to opt out on the grounds of moral objections, which makes sense, except that it is very broad and, again, we do not do it to anyone else.

I think D.C. should be able to control these issues on their own. They are the ones that are being held responsible. The Mayor is going to pocket veto the contraceptive coverage and insist on the religious exemption clause. But let him do it. He is held accountable. Let them make that kind of decision. It is not up to us to be doing that.

And the same legislation exists in 13 States. We have not tried to restrict them in any of those States that we have legitimate control over.

Again, there are a number of specific situations that are objectionable in this bill. We have 68 general provisions that I mentioned. Many of them were punitive. They were one-time measures. Five of them are already Federal law. We have got another dozen roughly that are already included in the D.C.

Code or in the D.C. budget. To include them is superfluous.

Why do we leave this junk in an appropriations bill? We want to clear it out. That amendment should have been made in order.

Mr. Chairman, we will now embark upon probably a spirited and controversial debate. But the bottom line is that we ought not be having this debate because every issue we will discuss has been discussed by the members of the District of Columbia City Council, has been considered by the Mayor, has been considered by the citizens of the District of Columbia.

We live in a democracy. They should be able to exercise their democratic rights, and we should not be overruling them.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill.

I want to compliment the chairman and members of the subcommittee. This was not an easy bill to bring before the subcommittee or the full committee. There were considerable differences of opinion, to say the least.

However, I am happy to report to our colleagues the good news. This is the final appropriations bill to go through the House of Representatives in this phase of our appropriations process. Not only is this number 13, but the House has already concluded work on the Supplemental. We have conferenced the Supplemental. We have conferenced the Military Construction appropriations bill. We have conferenced the Defense Appropriations bill. And several other conferences are under way as we speak.

So we are moving right along. I think the Members will be happy to hear that this is the final bill, this is the 13th bill.

I wanted to say something about the process. The gentleman from Virginia (Mr. MORAN) when he spoke earlier talked about treating the Democratic amendments one way and Republican amendments another way. I will say to our colleagues that during the entire process on this bill and every other bill we have treated both Republicans and Democrats the same way. If an amendment was germane to the bill, we debated the amendment as much time as the Members wanted. And on occasion that was a lot of time. But we took whatever time was necessary to give everybody a fair opportunity to present their views and to support or oppose the amendments that were before the committee.

Here in the House, on each of those amendments that we knew were subject to a point of order, we allowed the Member who sponsored that amendment sufficient time to explain the amendment before we ever pressed for the point of order. So I think we have bent over backwards.

I served here for a long time in the minority, and I do not recall that ever happening to one of our amendments when we were in the minority. If there was a point of order lying, the point of order was raised and the amendment was stricken at that point.

In fact, on one occasion, just a few days ago, we allowed 3 hours of debate under unanimous consent on an amendment offered by the Democratic side of the House knowing full well that it was subject to a point of order. The sponsor of the amendment knew that it was subject to a point of order, but yet we allowed 3 hours of debate.

Now, how the gentleman could suggest that we have treated Democrats differently than Republicans I do not know. But we have bent over backwards to be extremely fair to both sides of the aisle. And what is fair for one side is fair for the other.

I hope that we can resolve these differences today, Mr. Chairman; and I hope that we can pass this bill and let the appropriators get busy with the conference meetings with the other body so we can conclude our appropriations business well ahead of the beginning of the fiscal year.

Mr. MORAN of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from the District of Columbia (Ms. NORTON), who is the one person actually elected by the D.C. residents to represent them.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to speak for the city where free Americans reside, not the Federal city. The Federal city belongs to everyone. As free American citizens, Wards 1 through 8 belong to those of us who live in the District of Columbia.

Each year lots of time has been spent debating the minutia of details of one city far afield from urgent national business and outside the competence of national legislators. The result, without exception, has been multiple vetoes that ultimately result in turning around the very controversial amendments voted into this bill or substantially changing them.

When will we learn? Hopefully, this year. There is not enough time left in this session to play games with the D.C. appropriation.

The Mayor, the D.C. council and I have been clear about our two major objections to this bill. One: not merely cuts, but redirection of the remaining funds from indispensable priorities that the Mayor and the council specifically requested Federal funds to cover, including a subway station that is essential to the District's number one economic priority and to a new Federal ATF facility on New York Avenue; and two: reinserting into the bill not only social riders, to which we have always objected, but gratuitously a far larger number of riders that are so out of date, or irrelevant that OMB and the District believed that no Member

would want the bill encumbered with them.

A new administration that is cleaning house in the city and streamlining D.C. government deserves at least to be relieved of outdated and redundant riders from prior city administrations.

The dollars used in this bill to pay for items meant to be federally funded deserve special mention and has been discredited in a June 30 GAO report commissioned by the chairman himself.

The bill requires D.C. to use interest accumulated on D.C. accounts instead of Federal money in the President's budget. Yet the June 30 GAO report to the chairman stated that Congress has already instructed the District on how the interest must be used. The GAO concluded: "As a result, the District does not have any interest earnings on available Federal funds."

The Mayor and the city council have made their views known in writing to the chairman, and I have had some discussions with him. The bill is not yet acceptable to the District, and I ask my colleagues to vote no on this bill.

We are not naive about bills before this body. We are prepared to support any amendments or changes that would produce not the preferred bill but a better bill. To accomplish this, it will take more give and take and more respect for the local prerogatives freely given to every other locality than this bill reflects for the District.

Let us get to work and challenge ourselves to do better.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend, the distinguished chairman of the full committee, for yielding me the time.

My compliments to the chairman and the ranking member for the time and energy they and their staffs have put forward devoted to reviewing the D.C. budget and bringing this bill to the floor in a timely manner.

Just a few years ago, the District of Columbia government faced a financial crisis of epic proportions. That situation was so severe that the District could not deliver basic services, and there was a very real concern that it would run out of cash to pay its debt service or to even meet its payroll.

Today, the city's population is stabilizing, the real estate market is up, suburban residents are making more leisure trips into the city, and jobs have increased dramatically.

Next year, the Control Board will go in a dormant state, as anticipated in the legislation that we passed here in 1995. The city has balanced its budget for a fourth straight year; and its leaders are showing, with only a handful of exceptions, that they are focused on fostering economic growth and delivering basic services.

This budget goes a long way toward continuing the tremendous strides we

have made in the Nation's capital over the past 6 years. It funds a wide variety of programs. It will greatly enhance the quality of life for D.C. residents and those who visit and work in this wonderful city from enhanced resource for foster care, for drug treatment and public education, to money to clean up the Anacostia River and construct a Metro Rail Station on New York Avenue.

b 1415

There are funds for a number of programs to bolster opportunities for the city's youth population, including \$500,000 for character education and \$250,000 for youth mentoring programs.

And there is much more: \$1 million for the Washington Interfaith Network for affordable housing in low-income neighborhoods and another \$250,000 for new initiatives to battle homelessness; \$6 million to cover the city's costs associated with the 2001 presidential inauguration; \$250,000 for Mayor Williams to simplify personnel practices, money which will allow the city to build on the many improvements already under way in the area of management reform.

But there are shortcomings to this bill as well. I am concerned, for example, that funding for the D.C. college access program, a program created by legislation I introduced in the last Congress, is cut by \$3 million in this budget. I am profoundly concerned that this shortage could leave some D.C. students out in the cold, back in their old disadvantaged position and unable to become all that they can and should be. However, I am heartened by the fact that the Senate has a higher 302(b) allocation and that hopefully when this comes to conference some of this money can be restored. I urge my colleagues to restore the funding level for this historic program.

The religious exemption or conscience clause that is in this legislation may be rendered moot by the fact that the Mayor has said that he will pocket veto this legislation. In my judgment, the city council made a huge mistake in not having a conscience clause attached to their contraceptive coverage legislation, but we ought to let the city and encourage the city to remedy the mistakes they make. That is the only way democracy is going to grow and nurture, is not having us try to redo everything that they do but make them accountable for their own ordinances and their own mistakes. In this case, I think the council and most importantly the Mayor have stepped up to the plate and have said that they would try to remedy this on their own.

Overall, I commend the gentleman from Oklahoma (Mr. ISTOOK), though, for this forward-looking spending plan, a budget that ensures the District of Columbia's renaissance will continue in coming years. I am proud to have played a part in the city's rebirth these past years, and I want to thank the fellow members of my subcommittee on the authorizing side, the gentlewoman

from the District of Columbia (Ms. NORTON), the ranking Democrat; and the gentlewoman from Maryland (Mrs. MORELLA), my vice chairman; and other Republicans and Democrats for the work that they have done over these past years to get the District back on its feet. I wish Mayor Williams and the city council the best of luck in the future. I think the city is in pretty good hands at this point. Although this bill is not everything it can and probably should be, this is a very difficult measure to craft, as we have found every year on this floor.

I urge a "yes" vote on the bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I rise to express my concern about the amendments regarding needle exchange programs in the District of Columbia that are being offered by the gentleman from Indiana (Mr. SOUDER) and the gentleman from Kansas (Mr. TIAHRT). The bill before us already bars the use of Federal funds to pay for these programs. But the Souder amendment would go further. It would prohibit the people of the District from using their own money, money obtained through local taxation, for programs that are widely supported by the local citizenry. This is unfair to D.C. citizens who find themselves subject to the whims of representatives whom they did not elect. But I would submit it is also a terrible precedent for the country as a whole, because despite the squeamishness of some Members of Congress at the mere sight of a needle, the truth is that these programs work. They prevent HIV infection. They do not encourage or increase drug abuse. In fact, there is solid evidence that they actually help reduce drug abuse by encouraging injection drug users to enter treatment.

It is bad enough for legislators to overrule local decision-makers in matters of this kind, but it is the worst kind of irresponsibility for us to substitute our own uninformed opinions for the sound judgment of the public health community, to say, in effect, Our minds are made up. Don't confuse us with facts.

I have seen what needle exchange programs have accomplished in Massachusetts, Mr. Chairman. I know they save lives. If the Souder amendment becomes law, more people in Washington, D.C., may be infected with the AIDS virus. More people will die of it. And our Nation's capital will continue to lose ground in its fight to protect the public health of its citizens.

On the other hand, if the Souder amendment is enacted, local needle exchange programs in the District will somehow manage to carry on their work without the benefit of public funding as they have been doing with the current restrictions. But the Tiahrt amendment would have a serious and immediate impact on these ex-

isting programs. It would prohibit them from distributing sterile needles within 1,000 feet of a school or university, public housing project, student center or other recreational facility. I realize the gentleman is trying to protect children from exposure to unsafe needles and the drugs that are used to inject. I only wish the problem were that simple. As a former law enforcement official, I have spent considerable time in our inner cities. The reality is there are plenty of needles out there well within 1,000 feet of schools and housing projects and student centers, and those needles are not sterile.

This amendment will do nothing to change that tragic reality. It will not keep out the drugs and drug paraphernalia that litter these urban battlegrounds, if you will. It will not keep out the diseases that are spread by ignorance and lack of sanitation. What it will do is make sure that these kids who inject drugs and who live in these neighborhoods, the very young people who are at most risk for HIV/AIDS, hepatitis and other diseases transmitted through infected needles, will have no recourse but to reuse unsterile equipment.

We cannot cure the problem by throwing a cordon around our public institutions. Only good science and sound health policy can do that.

I urge my colleagues to reject these amendments.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), one of the valued members of our subcommittee.

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, I would like to step back just 6 years and look at the District of Columbia because it was a very different place then. They were running a budget deficit. Schools were failing. It was known as the murder capital. And crime had kept people in fear.

The first interaction that I had with the District of Columbia was trying to get a constituent who had been killed by a taxi, have their body released to the family. Red tape ruled in the District of Columbia, and it was a very large task just to get the deceased released to their family.

But today it is a better city by a long ways. The D.C. budget is balanced, and that is why it was accepted in this bill. The quality of education has improved through charter schools and through new projects in public schools. It is a safer community to live in. And the people from Kansas are more comfortable when they come to the District of Columbia. Things have gotten better.

But it did not happen by accident. Congress did get involved. It provided oversight. The D.C. control Board insisted on revisions to the city and to the police department. The gentlewoman from the District of Columbia (Ms. NORTON) said earlier the Federal

city belongs to everyone. I think that is exactly what the writers of the Constitution had in mind when they gave Congress, and I quote, "power to exercise exclusive legislation in all cases whatsoever," in article 1, section 8 of our Constitution.

The opponents of our bill say, Well, our cities aren't regulated like this, so we shouldn't be involved. But if you talk to the city councils in Kansas, they know that Congress has intervened. They have intervened through the Clean Air Act, through clean water regulations, through transportation regulations, air travel regulations, labor regulations, wage restrictions. And the people in the city have been regulated by Congress, too, health care, work requirements. Congress has injected itself into our schools, our hospitals, our city councils and our own homes. Congress does have oversight of the District of Columbia.

So the question is, How should we be involved in this process? I think one of the things that this bill does that is very positive is that we go into the areas of this city which need to be reclaimed and provide mentoring programs to children that are at risk, giving a mentor to them, to be with them when they need to go to school to find out their homework assignments, when they need to go to the hospital or to the physician, and God forbid they should have to go to court, the mentor is there with them. This bill provides such help. It also provides a hotline so that if someone is in need in this city, they call a hotline and they are not let off the phone line until they are directly connected with an agency that can provide directly for their need.

There are other things we are going to debate. We are going to debate where we should deliver needles through the drug needle exchange program. I personally think we ought to protect the children. We have talked to the District of Columbia Police Department. There are currently four locations that would not be affected by my amendment where needles could be distributed.

As we continue this debate, Mr. Chairman, I hope we come to a conclusion and pass this bill today.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 30 seconds on this issue, we are going to have a little time later on to discuss it, in terms of needle exchange.

D.C. has the worst problem of AIDS infection of women and children, and the principal reason is the exchange of dirty needles. The exchange of clean needles works, but it is very restricted because of the Congress' intervention. This amendment would effectively preclude even private organizations from being able to address this problem. There are too many women and children dying of AIDS in D.C. We ought to do whatever is necessary to save their lives.

Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr.

BLUMENAUER), the leader of the Smart Growth Initiative nationwide.

Mr. BLUMENAUER. Mr. Chairman, I can only imagine the frustration that the gentlewoman from the District of Columbia (Ms. NORTON) must feel talking about the special benefits that are accorded to the District of Columbia; for indeed what we have done, the District has special obligations that no other local government in the country has. It has the burdens of both a city and a State and it does not have the tools that we give the rest of America. On top of that, Congress is interfering unnecessarily, making that job even harder.

Not only does it add unnecessary and outdated riders, but the budget that we are discussing here today is \$22 million below last year's funding level. The funding that remains is not fairly distributed to the city's most urgent economic and educational priorities.

I care specifically about livable communities, and I would like to reference two: one, the New York Avenue Metro station and Poplar Point in Southeast District of Columbia. The proposed Metro station at New York and Florida Avenues is the linchpin of proposed new economic development activity for the District.

We here in the District every day experience poor air quality, choking traffic. We hear about problems of sprawl and economic development. The proposed Metro station represents an important step in bringing jobs and people together in a location that is convenient for commuters and does not increase sprawl or require massive additional infrastructure investments in outlying areas.

This has been extensively planned through public and private initiatives with the District, the Federal Government, and the private sector each committing one-third of the funds. While the city and the private sector have stepped up, Congress is shirking its duty by not providing the full \$25 million in Federal funds that the President has proposed. It includes only \$7 million directly and makes up the remaining \$18 million through accounting gimmicks, including the borrowing on the city's interest fund which only has \$6 million left and is already obligated by other uses.

The choice forced on the city to delay building the station or losing other important priorities is not acceptable. We compound this missed opportunity by the nearby development of the Metropolitan Branch Trail, the bicycle beltway within the Beltway that could have the \$8 million that we have already allocated through TEA-21 coordinated with the station. We risk losing both the station and the coordination of the trail. It would be a tragedy.

Poplar Point, a 110-acre site along the southern corridor of the Anacostia River, has the potential of becoming a vital urban waterfront, serving the needs of District residents who now

must travel faraway to enjoy the waterfront amenities that are right outside their and our door.

Not only has the site been neglected by the Federal Government, but a portion of the environmental damage is the result of pesticide residue left by the Architect of the Capitol, because that was our nursery that operated there for many years. It adds a new dimension of interference for the Congress in the District of Columbia. It illustrates the special responsibility we owe to the District both as a neighbor and as a tenant.

The bill does not provide the requested \$10 million for environmental cleanup and infrastructure improvement needed to spur the redevelopment and improve the economic health for the residents living near Poplar Point.

b 1430

Between the irrelevant riders, the limitations of the District's ability to self-govern, we are missing an opportunity. It is not just unfair to the residents of the District of Columbia, it is not fair to the American public.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I keep hearing people try to create a fiction that supposedly we are not taking care of what the District says is its top priority; namely, the Metrorail station at New York Avenue. In fact, at the Full Committee, we shifted a few million dollars more of Federal funds into the Metrorail project, as well as the interest earnings on the Federal and other funds that we are allocating.

Mr. Chairman, I heard the gentleman from Oregon (Mr. BLUMENAUER) say, oh, but the fund only has \$6 million, and it does not have \$18 million. That is not accurate. Mr. Chairman, what has happened is after the control board found out that we thought that money should go to the top priority of the District, then we started receiving lists saying "we have these things that were not part of our budget, we want to spend this money on something different than our top priority." And that is where we found out they want to spend the money on more bonuses at city hall and golden parachutes for people involved with the control board, to double their budget in the control board in their last year of operation, Mr. Chairman.

I wanted to correct that, Mr. Chairman; and I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I live in D.C. and have for some time. I have sat and I have talked to residents, many of them minorities, and many saying to me we need help for years and years and years. When we look at the school systems, we look at the economy, we look at the Anacostia River, the sewage systems, the crime, the drugs and the lack of response, they would say, I know you are a Republican, we are Democrat, but would you help us?

I think this committee has done a lot in the last few years. I say to my colleagues that for 30 years my D.C. was kind of an anachronism, that there was not that help and we let the D.C. rule, but then we had a mayor that ended up putting more cocaine up his nose than worrying about the economy of his own city. The good news is that Mayor Williams is trying to work with us and do many of the things that we are trying to do for this city.

I lived by the train station and in one year, my car was broken into twice. I heard a gunshot out my driveway, a young man was caught and said he just wanted to know what it felt like to kill somebody. Two of the women in my complex were mugged going into a locked gate. There is a grocery store, the little mom and pop store, across the street was robbed six times in one year. The residents were saying, we have to live in this, can you do something, Mr. Congressman. Our children, the roofs on their schools are falling apart. And my colleagues will remember they had to cancel schools. We fully funded schools. We established charter schools.

My own party wanted to cut funds from our public funds, and we were able to work in a bipartisan way saying that our schools are moving in the right direction, let us fully fund them. And I think we have seen some movement. We have a long way to go in this Nation's Capital, but there are good teachers. There are good schools, but many of those schools are still failing and we need help.

That is the direction we are working in. When I first arrived here, there was a woman on the board that was appointed by Marion Barry that could not read. She was on the committee on the budget, but she had never had an accounting course. She was a functioning illiterate, but yet she was a political appointee. We appointed a board to try and help that. And we have done a lot of very positive things in that.

We wanted to work on something for D.C. We need a long-term sewage problem. Every time it rains in Washington, D.C., and it is raining right now, that raw sewage goes into the Anacostia River every time it rains. It has the highest fecal count in any river in the United States, and we need to address that.

The mayor is trying to take that up as well, the cleanup of the Anacostia River. But I look at the economy. When I first came here, the city was left up to its own devices, they had month-to-month leases. Now no business is going to come into the city and make an investment, because people were getting money under the table.

They had governmental control over those businesses to make them do what they wanted, and no one would invest. And we looked at the businesses. We could not even get a Safeway here because of the practices of the city councils and the government, and we have changed that, in a bipartisan way. We

are starting to get investment. We have increased those leases. We are starting to get jobs into D.C., and I think that is positive change.

I would say one thing about the Tiahrt amendment, if we look at his amendment on drug exchange, none of my colleagues would want one of these outside their door, because it attracts drug dealers, it attracts drug users. Needles are discarded. What his amendment says, where we have schools, where we have parks and swimming pools, where children play barefooted and fall, that we do not want to have our children to have the risk of the contracting AIDS or other diseases like hepatitis.

Mr. Chairman, I ask for a support of the bill.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 10 seconds to respond to the gentleman from Oklahoma (Mr. ISTOOK). With regard to the use of the New York Avenue Metro money, the reality is that that money was included in the D.C. budget, that D.C. budget was received by the Congress before the bill was marked up. There is no way that the D.C. government could have known, and so that money was already spent before we spent it again.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), a most respected and effective legislator.

Mr. CUMMINGS. Mr. Chairman, I want to thank the gentleman from Oklahoma (Mr. ISTOOK) for yielding the time to me and to say to the last speaker, the gentleman from California (Mr. CUNNINGHAM), one of the interesting things is about the needle exchange program in Baltimore, there are people who actually want the needle exchange program in certain areas, because they have discovered that it cleans up the needles. It gets rid of the problem. I think that one should take a look at that, and that is something very important.

The other thing that I find so interesting is how the gentleman from Virginia (Mr. DAVIS) and now the distinguished gentleman from California (Mr. CUNNINGHAM) have talked about the wonderful job that the mayor is doing. He is doing an outstanding job and a wonderful job. I would also say that the gentlewoman from the District of Columbia (Ms. NORTON) is doing a wonderful job.

At some point in time, folks ought to be able to control D.C. themselves. We do not have to have Big Brother hanging around forever and forever. I think that it has been clear and it has been said here over and over again by both sides that they are doing an outstanding job.

The motto for the District of Columbia is justice to all. Justice in the form of the ability of District of Columbia residents to use their own funds to operate needle exchange programs in areas they deem appropriate. Justice in allowing D.C. to determine appropriate

laws to address the issue of tobacco use among minors. Justice in the right of District of Columbia residents and the city council to approve and enact legislation that will permit city employees to receive health insurance benefits for their long-term partners, regardless of gender, and to require insurers and employers to cover contraceptive if other prescription drugs are covered.

Justice in increased funding for Metrorail construction at New York and Florida Avenues, Northeast, an area ripe for economic development.

Justice in increased funding for tuition assistance for District of Columbia college-bound students, helping to offset out-of-State tuition costs at colleges and universities across the country. As a result of this program, numerous D.C. students applied to Maryland colleges and universities, including 10 at Coppin State University and Morgan State University in my district.

Justice in the right of the District to use funds to petition for or file a civil action intended to obtain District voting representation in Congress.

Unfortunately, if this bill is passed in its current form, justice to all will not prevail. Instead, this body will send a message to District residents that they are not to be afforded justice, but are to be burdened with requirements that Congress imposes on no other local jurisdiction and stripped of their right to make local decisions.

I submit that it is our duty as lawmakers to ensure that justice is applied impartially and equally to all of our Nation's citizens. Therefore, I urge my colleagues to oppose this bill and support District residents and the principle of justice for all.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a general principle we often quote here that says, you should not do for people what they are capable of doing for themselves, because you don't want to restrict their ability to grow and to achieve.

It is not a matter of we do not want to help them, but it is a matter we want to do it in the right way.

I hear a lot of comments about we ought to be doing more for the District here, we ought to be doing more for the District there. Then I hear people say, oh, we have cut this budget or that budget. For example, they claim, inaccurately, but they claim, that we have cut a Federal commitment to the metro subway station. Let us back up.

What Federal commitment are we talking about? We are talking about the budget proposal submitted by the White House which is not a budget submitted or approved by the Congress. Just because something is proposed by the President, let us not pretend that if we do not agree with the President on something, that we have gone out and we have cut budgets or that we reneged on a commitment; that is not the case.

We have made sure that rather than going to this new, after-the-budget,

laundry list of things that now they say are higher priorities than the metro subway station, so we cannot spend money out of this account for it. Instead of doing that, we said no, we are going with the top priority of the metro station.

Let us look at what the District is doing or not doing for themselves. We know they have remaining significant management and financial problems. Let me just give my colleagues the figures on just one of them. In addition to the money budgeted and tens of millions of dollars of subsidies that were budgeted, the D.C. General Hospital with the Public Benefit Corporation in the last 4 years has had loans, so-called, of \$174 million, which were, in fact, spending beyond what was authorized or appropriated by law.

In that one institution alone there was \$174 million. On top of the subsidies, on top of their budget. We had a hearing on this, more than one hearing that we had, and District officials including the central board said they are not loans they are receivables because the hospital is supposed to pay it back out of money they receive. No, they know that. They do not even have the hospital sign any paper. There is no written agreement. The city and the control board just write checks for millions of dollars until they have gone \$174 million in the hole, beyond their budget, beyond the subsidies, and then the District government writes it off.

They have a group looking at it right now that is telling horror stories about the level of management. In fact, the just-fired individual in charge, even though people will say when he was in charge, this hospital got run into the ground even farther than it was already, he wants a million dollars severance pay, a million dollars severance pay for helping something go \$174 million in the red.

That is the kind of priorities or lack of them that waste money, and then they come to Congress and say we make up the difference, and then claim we are reneging on a pledge made at 1600 Pennsylvania Avenue if we do not just rubber stamp that instead of trying to take a more responsible approach.

They say we are using too much of their money for these things. We are using money of the taxpayers of the United States of America in this bill, \$414 million. And we still have management problems. I agree that Mayor Williams is working diligently and making a bona fide effort, but if we look at who is still in charge, the upper level, what they call the "excepted service" positions, in other words, these are the people that can be hired and fired by the mayor, as opposed to through a civil service system.

The Department of Consumer and Regulatory Affairs still has 62 percent of the upper level people who are holdovers from the prior administration and administrations that had these severe problems with how they handled taxpayers' money.

b 1445

In the Department of Employment Services, two-thirds, two-thirds are still management holdovers. In the Office of Contracting and Procurement, two-thirds are holdovers. In the Department of Public Works, 62 percent. There is a lot of change that has not happened yet. There is a lot of savings the District can achieve in its own budget, and we are trying everything we can to help them to do that.

But remember, you ought to come to this Congress, and if you are wanting people to do something because you are the Nation's Capital, you ought to show what you have done for yourself. We had, I believe it was \$330 million in past years, that this Congress provided to the District for management reforms to achieve savings, and we had the General Accounting Office go in a few months ago and say, okay, we spent \$330 million supposedly to create savings beyond that figure. How much savings can you find?

GAO said, well, you spent \$330 million, and the savings were supposed to be \$200 million annually. What was actually achieved was about \$1.5 million annually. You spend \$330 million, and you get back \$1.5 million? That is not a good investment by the taxpayers. The District needs more focus on getting its own House in order. It is making progress, but it has not made near enough. It needs more focus on that, rather than accusing the Congress of not doing its job.

Mr. Chairman, I ask support for this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, we debated the D.C. bill six times on the floor, and it was vetoed twice last year. The principal issue was needle exchanges. We are going to have the ranking member of the Permanent Select Committee on Intelligence, and for many years the chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, the gentleman from Los Angeles, California (Mr. DIXON), explain how important this needle exchange program is and why the amendment that is going to be offered will not work.

Mr. Chairman, I yield 3 minutes to the gentleman from Los Angeles, California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I thank the ranking member for yielding me time.

This is the traditional day that when the city is wrong, it is wrong; and when the city is right, it is wrong.

The bill provides to allow the city of Washington D.C. to have a needle exchange program to use its own funds and private funds. The gentleman from Kansas (Mr. TIAHRT) is going to offer an amendment that basically says within 330 yards of 14 designated areas, that you shall not be able to implement the needle exchange program. It is really a fox in sheep's clothing. The gentleman from Kansas (Mr. TIAHRT) in

the full committee voted against the program, so he is not here to in fact assist the needle exchange program in any way or for good public policy reasons.

When the gentleman shows you a chart later, he will have designated some schools that in fact one will not be allowed within 330 yards to provide needle exchange programs. But that is only one element of the amendment. There are 13 others. So when you add that to the list, and you consider that Washington, D.C., is only 66 square miles, that leaves about five positions that you can exchange needles: the Mall, Soldiers' Home, Bolling Air Force Base, St. Elizabeth's, Washington Hospital Center, and Rock Creek Park.

The problem with the D.C. bill is that no one comes to the floor straight; they come with a cosmetic reason for whatever they want to do. This Tiahrt amendment is designed to make the needle exchange program ineffective. It should be voted down.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the gentleman from California (Mr. DIXON) explained, the amendment that we will be considering precludes the ability of any needle exchange program to effectively operate.

Now, why is that important? It is important because we have hundreds, thousands, of residents of the District of Columbia who are infected with the ignominious disease of AIDS, and in the District the population where the AIDS epidemic is growing fastest are women and children.

Imagine what it must be like to realize that your baby is infected with AIDS. Now, you can blame the mother, you can blame whoever, you can blame society; but the reality is that there is horrible, unjust suffering going on, and the principal reason for that pain and suffering is because of the use of dirty needles.

The only program we have found that actually works, and we have any number of studies that proves that it works, is when an organization offers clean needles. But you only get a clean needle if you give back a dirty needle, and you have to get into a program. It is access to drug treatment, and it is working.

Mr. Chairman, we might like to turn our backs and pretend this stuff does not go on and pretend there are easier ways to do it and ways that are less controversial, but there are not. They are not working as effectively, and that is why the administration stood up and kept vetoing this bill, because we have to care about people who are suffering and dying needlessly, if there is a way that we can stop it.

This program can stop it, and that is why we ought to let it function, but not with any Federal funds, not with any public money, all with private donations. That is the point, that is how the program is being operated. But it

ought to be allowed to operate. That is only fair. And the D.C. Government ought to be allowed to decide how it is going to cope with its problem, and not let us gain political advantage by superseding their judgment and preventing them from being able to address a critically important, desperate need within the District of Columbia. That is why this issue is so important.

There are funding issues. Maybe we can take care of the funding issues in conference. We are going to try to do that. It is silly, when we have a \$2.2 trillion surplus, a \$1.7 trillion budget, we cannot find \$31 million to make the District whole on a contractual obligation that we agreed to assume.

So I trust we will be able to find that money. The District is getting on its feet. It has got a great Mayor, it has got a good city council. It is getting a lot of good people in running its government. If we believe in democracy, if we believe that the people have the power to regulate, to run their own affairs, that they will elect the people that will provide the kind of quality of life and security in the future for their children that they decide they want, that is what this is all about.

Let us extricate ourselves from these matters where we ought not be involved. Let us do right for the District of Columbia. Until we fix this bill, I do not think we can support it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, drug problems in the District of Columbia are America's problem, because Washington, D.C., is America's capital. I am sorry to hear that the gentleman says that if you do not have a program to exchange drug needles, you are causing pain and suffering. No. Pain and suffering is caused by the use of drugs. Crime is caused by the use of drugs. Parents failing to take care of their kids is caused by the use of drugs.

You are saying dirty needles cause pain and suffering? No, people injecting themselves with drugs cause pain and suffering. We are not talking about sewing needles here; we are talking about hypodermic syringes, needles for people to inject illegal drugs into themselves, and a program operating in broad daylight out on public streets to do these swaps. Bring in a dirty needle, get a clean needle, go shoot yourself up.

I know a couple of people that the other day observed one of these sites, and it was an area where there were residences and small businesses. The van is there for a few hours, and just minutes after the van they used for the needle exchange pulls away, you know what pulled up? A school bus. It is a bus stop for school kids.

The D.C. Council passed its own law declaring drug-free zones. The amendment of the gentleman from Kansas (Mr. TIAHRT) just says those areas that

the District has already chosen to be drug-free zones should not be used for these programs to exchange drug needles. The D.C. Council defined them. For example, 1,000 feet around a youth center or public library or public housing or a swimming pool or an elementary school or vocational school or a video arcade, the D.C. Council says those sites are supposed to be drug free zones. The amendment of the gentleman from Kansas (Mr. TIAHRT) just says if that is supposed to be a drug-free zone, what are you doing with a drug needle exchange program taking place in the same spot?

I urge support of the bill; and when the time comes, I certainly will support the amendment of the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment to the bill shall be in order except those printed in the CONGRESSIONAL RECORD, pro forma amendments for the purpose of debate, and amendments printed in the House Report 106-790.

Amendments printed in the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, \$14,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may

be authorized: *Provided further*, That not more than 5 percent of the funds may be used to pay administrative expenses.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106-113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: *Provided*, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13-679, enrolled June 12, 2000.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$1,500,000, of which \$250,000 shall be for payment to a mentoring program and for hotline services; \$500,000 shall be for payment to a youth development program with a character building curriculum; \$500,000 to remain available until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall; and \$250,000 shall be for payment to support a program to assist homeless individuals to become productive, taxpaying citizens in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$134,300,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$99,500,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$7,709,000; for the District of Columbia Superior Court, \$72,399,000; for the District of Columbia Court System, \$16,892,000; and \$2,500,000, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under

this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives:

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,387,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$2,500,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$2,500,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC-99-226 regarding payments to court-appointed attorneys and shall report to the Office of Management and Budget and to the House and Senate Appropriations Committees quarterly on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION

AGENCY FOR THE DISTRICT OF COLUMBIA (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized

by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105-33; 111 Stat. 712) \$115,752,000, of which \$69,871,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$18,778,000 shall be transferred to the Public Defender Service; and \$27,103,000 shall be available to the Pretrial Services Agency: *Provided*, That of the amount provided under this heading, \$22,161,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and \$836,000 of the \$22,161,000 referred to in this proviso is for the Public Defender Service: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, \$1,000,000: *Provided*, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: *Provided further*, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

TAX REFORM IN THE DISTRICT

For a Federal payment to the Mayor of the District of Columbia for a study analyzing the District's tax structure, and the anticipated impact upon the District's economy and government of recent and potential tax changes, and of tax simplification, \$100,000, to remain available until expended. This may include but not be limited to proposals

made by the District's Delegate to the House of Representatives. *Provided*, That the Mayor shall enter into a contract for such analysis only with a qualified independent auditor who is experienced in analyzing tax sources and who has no other affiliation with the District government.

AMENDMENT NO. 1 OFFERED BY MR. ISTOOK
PRINTED IN HOUSE REPORT 106-790

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106-790 offered by Mr. ISTOOK:

Strike the item relating to "TAX REFORM IN THE DISTRICT".

In the item relating to "METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)", strike "\$7,000,000" and insert "\$7,100,000".

In the item relating to "METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)", strike "\$18,000,000" and insert "\$17,900,000".

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Oklahoma (Mr. ISTOOK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not think 5 minutes will be necessary. I believe this amendment will be adopted by unanimous consent and neither of us will need the 5 minutes.

This simply removes an item for a study of the future tax structure potential in the District and shifts the \$100,000 in Federal funds that was allocated for it to support the new Metro station that is planned at the New York Avenue site.

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I believe there is no debate, and if that is the case I would ask unanimous consent that we yield back the balance of our time and adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond, but not in a critical manner. Mr. Chairman, what we are withdrawing here is a study that was proposed that was related to the idea of a D.C. commuter tax. There had been a provision that was included in the subcommittee bill by the gentleman from Oklahoma (Mr. ISTOOK) that said that if residents of suburban Maryland or Virginia earned money in the District of Columbia they do not have to pay state income taxes on that money to Virginia or Maryland or basically any other State where they might reside. So it meant every Member of Congress who earns their money here would not have to pay any state income taxes on their income, until the District was permitted to tax income they might earn in the District.

What we could have done is to suggest then that if that is the case then

any resident of the District of Columbia that earns money in another State would not pay taxes in D.C., and D.C. would have wound up worse because the reverse flow of people finding jobs in the suburbs where the economic growth is happening is even greater than economic development in D.C. So there were problems with that. It was withdrawn.

There was going to be a further study. The gentleman from Oklahoma (Mr. ISTOOK), upon consideration and discussion with the chair of the authorizing committee, has decided not to do that study. I personally would have preferred that we do a study that was broad based, looking at D.C.'s long-term revenue needs. I think that needs to be done. I think it could probably be done for \$100,000. So I was hoping we would do that, but the study ought to be done by organizations that are located within the District of Columbia, private, nonprofit organizations, probably nonpartisan. We could get maybe the Brookings Institution and the Hudson Institute to collaborate. In doing so, they could look at ways that we can raise sufficient revenues to ensure that D.C. remains the economic core of the metropolitan Washington region but also sustain the economic viability of the suburbs as well.

That is a long-term, mutually shared objective. I know that the gentleman from Virginia (Mr. DAVIS) is in agreement with that objective. I would hope that we could find the money to put in this bill to do that kind of a study, but I have no objection to the manager's amendment and the decision of the gentleman from Oklahoma (Mr. ISTOOK) at this point to withdraw funding for this study.

No one on this side is going to object to the manager's amendment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, any study that the District may desire to do certainly they have the authority and the capability of doing whatever study. I certainly would not agree with all of the characterizations of the gentleman, but I certainly appreciate his interest in the economic conditions in the District, as well as in the surrounding Northern Virginia area that he represents.

However, I think we have all agreed that right now there is a high priority with the District of the New York Avenue Metrorail station, and if the District wants to do a study they can do it. In the meantime, we would like to put this Federal contribution of the \$100,000 toward that Metro station at New York Avenue.

Mr. Chairman, I ask adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.
The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

FEDERAL PAYMENT FOR SIMPLIFIED PERSONNEL SYSTEM

For a Federal payment to the Mayor of the District of Columbia to study and design a system approved by the Comptroller General for simplifying the administration of personnel policies (including pay policies) with respect to employees of the District government, \$250,000: *Provided*, That the Mayor shall carry out such study and design through a contractor approved by the Comptroller General.

METRO RAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)

For a contribution to the Washington Metropolitan Area Transit Authority for construction of a Metrorail station located at New York and Florida Avenues, Northeast, \$25,000,000, to remain available until expended, of which \$7,000,000 is appropriated under this heading and \$18,000,000 shall be transferred by the District of Columbia Financial Responsibility and Management Assistance Authority (DCFRMA) from interest earned on accounts held by DCFRMA on behalf of the District of Columbia government.

FEDERAL PAYMENT FOR NATIONAL MUSEUM OF AMERICAN MUSIC

For a Federal payment to the Federal City Council for the establishment of a National Museum of American Music, \$250,000, to remain available until expended: *Provided*, That such funds shall be used for the costs of activities necessary to complete the planning phase for such Museum, including the costs of personnel, design projects, environmental assessments, and the preparation of requests for proposals: *Provided further*, That such funds shall be deposited into a separate account of the Federal City Council used exclusively for the establishment of such Museum: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Federal City Council has deposited matching donated funds from private sources into the account in an aggregate amount which is equal to 200 percent of the amount appropriated herein (as certified by the Inspector General of the District of Columbia.)

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, \$5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except for section 136(a) of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$5,689,276,000 (of which \$192,804,000 shall be from intra-District funds and \$3,245,623,000 shall be from local funds): *Provided further*, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility

and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104-8), \$3,140,000 from local funds: *Provided*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B-279095.2).

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$194,621,000 (including \$161,022,000 from local funds, \$20,424,000 from Federal funds, and \$13,175,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That \$303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: *Provided further*, That no funds except those already encumbered shall be available for the Maximus, Inc., revenue recovery services contract (Contract GF 98104) until such time as the contract is renegotiated to require Maximus, Inc., to recover maximum revenue first for Medicaid reimbursable special education transportation costs, second for Medicaid reimbursable special education residential placement costs, and third for the Medicaid reimbursable costs of Mental Retardation and Developmental Disabilities Administration clients.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$205,638,000 (including \$53,562,000 from local

funds, \$92,378,000 from Federal funds, and \$59,698,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government \$762,346,000 (including \$591,365,000 from local funds, \$24,950,000 from Federal funds, and \$146,031,000 from other funds): *Provided further*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$995,418,000 (including \$821,367,000 from local funds, \$147,643,000 from Federal funds, and \$26,408,000 from other funds), to be allocated as follows: \$769,443,000 (including \$628,809,000 from local funds, \$133,490,000 from Federal funds, and \$7,144,000 from other funds), for the public schools of the District of Columbia; \$200,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$1,679,000 from local funds for the State Education Office, \$14,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; \$105,000,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the D.C. public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That the D.C. public charter schools will report enrollment on a quarterly basis: *Provided further*, That the quarterly payment of October 15, 2000, shall be fifty (50) percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31-2853.43(A)(2)(D); Public Law 104-134, as amended): *Provided further*, That the Mayor of the District of Columbia shall convene a task force to recommend changes, which shall be released by December 31, 2000, to the School Reform Act of 1995, for the purpose of instituting a funding mechanism which will account for the projected growth of charter schools: *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,433,000 (including \$44,691,000 from local funds, \$13,199,000 from Federal funds, and \$18,543,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That \$200,000 is allocated for the East of the River Campus Assessment Study, \$1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis, \$500,000 for the Adult Education State Plan, \$650,000 for The Saturday Academy Pre-College Program, and \$481,000 for the Strengthening of Academic Programs; and \$26,459,000 (including \$25,208,000 from local funds, \$550,000 from Federal funds and \$701,000 other funds) for the Public Library: *Provided further*, That the \$1,020,000 enhancement shall be allocated such that; \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program, \$166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and \$119,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That \$2,204,000 (including \$1,780,000 from local funds, \$404,000 from Federal funds and \$20,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Super-

intendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That \$2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: *Provided further*, That \$50,000 is allocated to fund a conference on learning support for children ages 3-4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: *Provided further*, That no local funds in this Act shall be used to administer a system wide standardized test more than once in FY 2001: *Provided further*, That no less than \$389,219,000 shall be expended on local schools through the Weighted Student Formula: *Provided further*, That the District of Columbia Public Schools may spend \$500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: *Provided further*, That section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Code, sec. 47-101), is amended as follows:

(a) The third sentence is amended to read as follows:

"However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2001, the fiscal year for the District of Columbia Public Schools and the District of Columbia Public Charter Schools shall begin on the first day of July and end on the thirtieth day of June of each calendar year."

(b) One new sentence is added at the end to read as follows: "The District of Columbia Public Schools shall take appropriate action to ensure that its financial books are closed by June 30, 2003."

HUMAN SUPPORT SERVICES

Human support services, \$1,532,204,000 (including \$633,897,000 from local funds, \$881,589,000 from Federal funds, and \$16,718,000 from other funds): *Provided*, That \$25,836,000 of this appropriation, to remain

available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.): *Provided further*, That \$1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: \$250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and \$1,000,000 shall be paid in equal monthly installments by the 15th day of each month: *Provided further*, That \$400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That \$7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329).

PUBLIC WORKS

Public works, including rental of one passenger carrying vehicle for use by the Mayor and three passenger carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$278,242,000 (including \$265,078,000 from local funds, \$3,328,000 from Federal funds, and \$9,836,000 from other funds): *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That \$100,000 shall be available for a commercial sector recycling initiative: *Provided further*, That \$250,000 shall be available to initiate a recycling education campaign: *Provided further*, That \$10,000 shall be available for community clean-up kits: *Provided further*, That \$190,000 shall be available to restore a 3.5 percent vacancy rate in Parking Services: *Provided further*, That \$170,000 shall be available to plant 500 trees: *Provided further*, That \$118,000 shall be available for two water trucks: *Provided further*, That \$150,000 shall be available for contract monitors and parking analysts within Parking Services: *Provided further*, That \$1,409,000 shall be available for a neighborhood cleanup initiative: *Provided further*, That \$1,000,000 shall be available for tree maintenance: *Provided further*, That \$600,000 shall be available for an anti-graffiti program: *Provided further*, That \$226,000 shall be available for a hazardous waste program: *Provided further*, That \$1,260,000 shall be available for parking control aides: *Provided further*, That \$400,000 shall be available for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$389,528,000 (including \$234,913,000 from local funds, \$135,555,000 from Federal funds, and \$19,060,000 from other funds).

RESERVE

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve es-

tablished by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$150,000,000: *Provided*, That none of these funds shall be obligated or expended under this heading until (1) the reductions from "Operational Improvement Savings", "Management Reform Savings", and "Cafeteria Plan" have been achieved and the achievement certified by the District of Columbia Inspector General; (2) the Chief Financial Officer certifies that the reserve assets are not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8; and (3) the District of Columbia government enters into leases provided for under the heading "Federal Payment for Waterfront Improvements" in Public Law 105-277, approved October 21, 1998 (112 Stat. 2681-124), as amended by section 164 of Public Law 106-113, approved November 29, 1999 (113 Stat. 1529): *Provided further*, That the unexpended portion of the fiscal year 2000 reserve that is carried over into fiscal year 2001 will free up local funds in the fiscal year 2001 Reserve that can be used to fund selected programs upon certification by the Chief Financial Officer of the District of Columbia that: (1) the Mayor will achieve operational improvement savings and management reform productivity savings in the fiscal year 2001 Budget and Financial Plan, (2) the collection of additional revenues within the fiscal year 2001 Budget and Financial Plan will be achieved; and (3) agency expenditures are monitored and fiscal challenges are addressed to the satisfaction of the Chief Financial Officer during fiscal year 2001. The programs that will be funded following certification by the Chief Financial Officer are as follows: GOVERNMENTAL DIRECTION AND SUPPORT, \$4,163,000 (including \$621,000 for the Office of the Mayor; \$1,042,000 for Human Resource Development; \$2,500,000 for the Office of Property Management); ECONOMIC DEVELOPMENT AND REGULATION, \$3,496,000 (including \$3,296,000 for the Department of Housing and Community Development; \$200,000 for the Department of Employment Services); PUBLIC SAFETY AND JUSTICE, \$6,483,000 (including \$200,000 for the Metropolitan Police Department, \$1,293,000 for the Fire and Emergency Medical Services Department, \$4,890,000 for Settlements and Judgments, \$100,000 for the Citizen Complaint Review Board); PUBLIC EDUCATION SYSTEM, \$15,099,000 (including \$12,079,000 for Public Schools, \$2,500,000 for the University of the District of Columbia, \$400,000 for the Public Library, \$120,000 for the Commission on the Arts and Humanities); HUMAN SUPPORT SERVICES, \$17,830,000 (including \$4,245,000 for the Department of Health, \$1,511,000 for the Department of Recreation and Parks, \$574,000 for the Office on Aging, \$1,500,000 for the Office on Latino Affairs, \$10,000,000 for Children and Youth Investment Fund); PUBLIC WORKS, \$4,050,000 (including \$1,500,000 for the Department of Public Works, \$1,000,000 for the Department of Motor Vehicles, \$1,550,000 for the Taxicab Commission); RECEIVERSHIP PROGRAMS, \$19,300,000 (including \$6,300,000 for Child and Family Services, \$13,000,000 for the Commission on Mental Health Services); and CAFETERIA PLAN SAVINGS, \$5,000,000: *Provided further*, That the freed-up appropriated funds in fiscal year 2001 from the reserve rollover shall be used to provide funding in the following order: (1) the first \$32,000,000 shall be used to provide in the following order, \$6,300,000 to the LaShawn Receivership, \$13,000,000 to the Commission on Mental Health, \$12,079,000 to the District of Columbia Public Schools, and \$621,000 to the Office of the Mayor, if the Chief Financial Officer

certifies that the first \$32,000,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8; (2) the next \$37,189,000 shall be used to provide \$37,189,000 to Management Savings to the extent, if any, the Chief Financial Officer determines the Management Savings is not achieving the required savings, and the balance, if any, shall be provided in the following order: \$10,000,000 to the Children Investment Trust, \$1,511,000 to the Department of Parks and Recreation, \$1,293,000 to the Department of Fire and Emergency Medical Services, \$120,000 to the Commission on the Arts and Humanities, \$400,000 to the District of Columbia Public Library, \$574,000 to the Office on Aging, \$3,296,000 to the Department of Housing and Community Development, \$200,000 to the Department of Employment Services, \$2,500,000 to the University of the District of Columbia, \$1,500,000 to the Department of Public Works, \$1,000,000 to the Department of Motor Vehicles, \$4,245,000 to the Department of Health, \$1,500,000 to the Commission on Latino Affairs, \$1,550,000 to the Taxicab Commission, \$2,500,000 to the Office of Property Management, and \$5,000,000 for the savings associated with the implementation of the Cafeteria Plan, if the Chief Financial Officer certifies that the \$37,189,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, in fiscal year 2000, and that all the savings are being achieved from the Management Savings; (3) the next \$10,000,000 shall be used to provide \$6,232,000 to Operational Improvement to the extent, if any, the Chief Financial Officer determines the Operational Improvement is not achieving the required savings, and the balance, if any, shall be provided in the following order: \$100,000 to the Civilian Complaint Review Board, \$200,000 to the Metropolitan Police Department for the Emergency Response Team, \$1,042,000 to be used for Training, and \$4,890,000 to the Settlement and Judgments Funds, if the Chief Financial Officer certifies that the \$6,232,000 is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, in fiscal year 2000 and that all the savings are being achieved from the Operational Improvement Savings; and (4) the balance shall be used for Pay-As-You-Go Capital Funds in lieu of capital financing if the Chief Financial Officer certifies that the balance is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8: *Provided further*, That section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Code, sec. 47-392.2(j)), is amended as follows:

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, \$243,238,000 from local funds: *Provided further*, That for equipment leases, the Mayor may finance \$19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to

exceed 5 years: *Provided further*, That \$2,000,000 is allocated to the Metropolitan Police Department, \$4,300,000 for the Fire and Emergency Medical Services Department, \$1,622,000 for the Public Library, \$2,010,000 for the Department of Parks and Recreation, \$7,500,000 for the Department of Public Works and \$1,800,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$1,140,000 from local funds.

PRESIDENTIAL INAUGURATION

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93-198, as amended, approved December 24, 1973 (87 Stat. 824, and D.C. Code, sec. 1-1803), \$5,961,000, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,409,000.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, \$2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE

For management supervisory service, \$13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER PAYMENT

There is transferred \$61,406,000 to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; to be codified at D.C. Code, sec. 6-135), to be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS (INCLUDING MANAGED COMPETITION)

The Mayor and the Council in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

MANAGEMENT REFORM SAVINGS

The Mayor and the Council in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

CAFETERIA PLAN SAVINGS

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of \$5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, \$275,705,000 from other funds (including \$230,614,000 for the Water and Sewer Authority and \$45,091,000 for the Washington Aqueduct) of which \$41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermain and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3 172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), \$223,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$10,968,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212, D.C. Code, sec. 32-262.2, \$123,548,000 of which \$45,313,000 shall be derived by transfer from the general fund, and \$78,235,000 from other funds: *Provided*, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report

of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), \$1,808,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$52,726,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,077,282,000 of which \$806,787,000 is from local funds, \$66,446,000 is from highway trust funds and \$204,049,000 is from Federal funds, and a rescission of \$55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,022,074,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 40, line 19 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Are there amendments to that portion of the bill?

AMENDMENT NO. 12 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer amendment No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

In the item relating to "DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION", strike "funds;" and all that follows and insert a period.

Strike section 164 (and redesignate the succeeding provisions accordingly).

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. MORAN of Virginia. Mr. Chairman, the purpose of this amendment is, again, to let the District of Columbia deal with its most severe problems, and one of its most severe problems has to do with the operation of D.C. General Hospital.

Mr. Chairman, within the District of Columbia, there are over 80,000 people who have no health insurance, and D.C. General is their health care of last resort. When they go to the hospital, it is too often because they have a gunshot wound, because they have been physically attacked, because women have been raped, because they have serious drug problems, because they have problems that take acute attention and oftentimes very expensive care. Because these people generally do not have the money to pay for their health care, D.C. General has gone broke, as has Southeast Community Hospital, a number of the health clinics in the community.

We are talking about places like Anacostia primarily, very low-income section of the city. Some people are in desperate poverty, even in today's world in the capital city. So a public benefit corporation was set up to see if they cannot manage these health care facilities and find a way to finance them. The PBC has not been successful in doing that. It is unfortunate. It needs to be corrected, but this bill tries to correct it without consultation with the mayor, the D.C. council and the outside health care consultants who have been looking at this problem for years.

One of the ways it attempts to correct it is by cutting off its funding, terminating its line of credit. So what happens? The hospital, we are told, will become insolvent, will shut down within a year if this amendment is included in the bill and the bill is enacted.

Okay. Fine. It is not being run well. It is losing money, but tell me, Mr. Chairman, what do we do with the thousands of people who go to D.C. General as their health care of last resort? No one else wants to handle them. No one else wants to handle these gunshot victims. No one else wants to handle these drug addicts. No one else wants to handle these people who have no money to pay for their health care.

So what are we going to do with them? Are we just going to let them loose without health care? We are going to send them to other hospitals that do not take them, that do not want them, that are not going to treat them. So that is my problem with this solution. It is too easy. It was not done by D.C. because D.C. is held accountable by its voters for coming up with constructive alternatives. This is too easy an alternative: Cut it off, shut it down.

That is not the way to handle a very difficult, complex problem. So what I want to do with this amendment is

strike the language, leave it to D.C. to deal with. Do not come up with solutions that are going to make the situation worse. Do not have that pain and suffering of people who have no health care and desperately need it on our hands. We have no business getting involved in this issue, unless we have a constructive alternative. We do not, so we ought to strike the language.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment as to the underlying merits. I will offer at an appropriate time a written statement for the record.

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill. The precedents of the House are clear in this matter: Amendments to a paragraph or section are not in order until such paragraph or section has been read. Cannon's Precedents, Volume 8, section 2354.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. If no other Member desires to be heard, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Are there any other amendments to this portion of the bill?

PARLIAMENTARY INQUIRY

Ms. NORTON. Mr. Chairman, parliamentary inquiry. Are we at general provisions where an amendment can be at the desk and now be pursued?

The CHAIRMAN. When the Clerk begins to read again, he will begin at that portion.

The Clerk will read section 101.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

AMENDMENT NO. 22 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

Strike "GENERAL PROVISIONS" and all that follows through the last section before the short title.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. This amendment touches portions of the bill that have not yet been read or considered. Does the gentlewoman from the District of Columbia (Ms. NORTON) ask unanimous consent for its present consideration?

Ms. NORTON. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentlewoman from the District of Columbia?

Mr. ISTOOK. Mr. Chairman, I reserve a point of order. I have no objection to the gentlewoman proceeding for, I believe, the agreed upon time was for 5 minutes to certainly explain her amendment and her position.

The CHAIRMAN. Without objection, pending the point of order, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes on her amendment.

There was no objection.

Ms. NORTON. Mr. Chairman, I believe that there has been a time agreement for 20 minutes divided equally. If I may have unanimous agreement on that time?

Mr. ISTOOK. Mr. Chairman, I would certainly agree to that. I misstated on the time. I agree to a unanimous consent request of 20 minutes to be divided 10 minutes per side.

The CHAIRMAN. Without objection, the time on the amendment of the gentlewoman from the District of Columbia (Ms. NORTON) will be 20 minutes divided equally.

There was no objection.

The CHAIRMAN. That will include any amendments thereto.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to introduce a democracy amendment that will wipe out all riders, most of them operational riders, that are outdated or irrelevant. Members would not commit themselves one way or the other on the substance of any underlying provision by voting to eliminate them all.

The chairman announced on the floor just a few minutes ago that he has himself begun to look at these provisions and has found some of them to be outmoded. I appreciate that he is now looking into the bill in this way.

In his budget, as transmitted, the President offered to work with the Congress and the District to identify and limit at the very least the number of general provisions or attachments not only to be consistent with the principle of home rule but also because most are so old that they have been overtaken by events, or they are now a part of D.C. or Federal law.

Last year, the chairman indicated that riders in the D.C. appropriation reflected the fact that over many years, whoever was President had been transmitting old riders and the chairman had simply included what the President sent. Upon inspection, the White House found that most of the attachments are no longer applicable. Many already exist in Federal law or the D.C. Code. Example, section 114 requires council approval of capital project borrowing; but that is now required by the D.C. code.

Other riders should be deleted because they are incorporated into the D.C. budget text or the local budget act, or will be proposed locally this year. Example, restrictions on the use

of official vehicles, a restriction required by Congress and adopted in the local Budget Support Act.

Still, other riders should be deleted because they are one-time provisions, are no longer applicable or duplicate existing Federal law. Example, the bill says appropriations or obligations that expire at the end of the year unless otherwise stated. Yet this matter is covered by Federal law.

Other provisions should be deleted because they are issues of local home rule and/or should be deleted to ensure that the District is treated the same as any other State or local jurisdiction. Some of these are social riders, such as voting rights. Most, however, are operational matters normally left to local jurisdictions. The democracy amendment I offer today would eradicate all of these riders, most of them operational and out of date or redundant of current law.

b 1515

No Member would answer for any one of them, because the amendment is a democracy and autonomy amendment that does not address any substantive issue or specific provision. However, we will surely answer for the piling on of amendments that are already in local or Federal law, or corpses, left over from prior years and circumstances and administrations that are dead and gone.

Mr. Chairman, District residents gave themselves a new start with a new mayor and a reconstructed city council. I ask the House to respond with a new bill that does not hang on the back of today's cities, tails, and times it has thrown off.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I continue to reserve my point of order, and I yield myself such time as I may consume.

Mr. Chairman, basically, the gentlewoman representing the District of Columbia has offered an amendment to strike out all of the provisions after the appropriating paragraphs, all of the substantive provisions in this bill; and basically, as I believe she stated, there are two categories. One of them are so-called social riders, such as the concern with programs to exchange drug needles out on the public streets, and programs such as the marijuana initiative that the District in a referendum adopted, which this Congress has expressly disapproved and said it shall not go into effect. Other provisions are not so-called social riders, but they are provisions that have been carried on this bill for a number of years because they have not been enacted into substantive law, where this would be the controlling standard if they were not in the bill.

Now, I realize that the gentlewoman says, well, these are old things to be done away with; they are not needed anymore. We went through those provisions before this bill was offered this

year; and we wiped out two dozen, two dozen provisions that have been carried on this bill for years, that I agree, fit the description of things that were outdated, outmoded, duplicative, and no longer necessary. If there are any others of those that still remain, we want to take them out too; but we are not satisfied that that is the case.

For example, we do have provisions in this bill to make it clear that all contracts regarding the District are a matter of public record. We had a circumstance, Mr. Chairman, just a few weeks ago when the former head of the Public Benefit Corporation, which operates the D.C. General Hospital, said, since you fired me, I am entitled to \$1 million, and people said, where is the contract? And people could not find it. It should have been public record.

We had testimony in a hearing from the control board that is supposed to be a repository of these, and they said, we never saw such a contract. And get this: the control board, headed by the former vice chairman of the Federal Reserve Board, has been writing checks for millions of dollars not budgeted, not approved, for millions of dollars, as I mentioned before, to keep this facility afloat, despite years of efforts by this Congress, years and years by this Congress saying, they are wasting money over there, it is a sink hole, they have not fixed it, and the control board continued writing millions of dollars worth of checks.

There were no signed agreements, there were no memoranda, there were no security agreements, there was no promissory note, there was no statement of collateral, there was nothing, nothing, for about \$200 million of outlay of public money, not budgeted, not authorized by law, and they did not even have any sort of written agreements for it.

So of course we need a provision that says, all of these contracts are a matter of public record. If the District or the control board is going to loan money to the Public Benefit Corporation for the D.C. General Hospital, they ought to have at least one piece of paper that reflects why they wrote all of these millions of dollars of checks. All contracts are a matter of public record. That is an example of one of the provisions that the gentlewoman wishes to strike.

Also, a restriction saying, we do not use this public money for personal cooks, chauffeurs or other servants. They cannot use it for any sole-source contracts. They cannot renew contracts or extend them without taking competitive bids. Let us protect the taxpayer from sweetheart deals.

Now, we can be satisfied that some provisions are actually in the law elsewhere so that they do not need to be carried in this bill. That is why we wiped out two dozen of them that have been carried year after year; and we want to get rid of all of these and have them in substantive law, but they are not there yet.

That is just an example, Mr. Chairman, of the provisions of the gentlewoman's amendment, along with many others that we will be discussing later, would wipe out all in one block.

As well as reserving my point of order against this amendment, Mr. Chairman, as an improper way to bring issues up before this House, I certainly oppose the amendment.

Mr. Chairman, I reserve my point of order, and I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

If I may respond, the gentleman has named what amounts to violations of D.C. law and violations of what is required in this appropriation attachment. All that demonstrates is having it in an attached provision, does not get the provision enforced.

The point is, is it a matter of D.C. law, and is it a matter of Federal law? Once it is a matter of law, anything else we do to make it a matter of law is redundant, a law that is already there. And if one has a complaint about sole-source contracts, and I certainly would, if one has a complaint about competitive bids, and I certainly would, then you have to go to those who are not enforcing the law, not simply pile on attachments, which also do not enforce the law.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I offered this democracy amendment in the full Committee on Appropriations, and I appreciate the gentlewoman from the District of Columbia (Ms. NORTON) offering it today on the House floor, because she is the democratically elected representative of the District of Columbia, and she well knows that most of the provisions in this appropriations bill do not belong in any Federal appropriations bill.

There are 72 provisions at last count, 17 new ones in the bill this time. We have a couple dozen provisions that are either already part of Federal law, other parts of Federal law that do not need to be here for any purpose, or are in the D.C. Code. D.C. is legally required to do these things. It is in their law. What are we doing keeping this stuff in the D.C. appropriations bill? It is sort of just making sure that that heel stays deep on D.C.'s throat so that they do not ever think that they can run their own affairs.

Let us get rid of this junk. It is detritus. It does not belong on an appropriations bill. There are so many of these examples, punitive examples where we tell them what to do with their own vehicles, how much allowance for privately owned vehicles, how fuel-efficient automobiles have to be. It is all stuff that is contained in other places, or it ought not to be contained anywhere.

Now, there are some controversial issues included in this amendment. There is a domestic partnership, tough

issue. But the reality is that 3,000 employers across the country offer domestic partnership coverage. All kind of States and localities. I was not given those numbers this year, but we know the numbers; and it is a whole bunch of States and localities that do this. Why are we telling the District that it cannot? We do not turn around and tell anybody in the jurisdictions that we represent that they cannot do this; but we tell D.C. they cannot do it, because we are not accountable to them. They cannot do anything to fight back.

Mr. Chairman, that is why this democracy amendment is in order, and that is why it is called a democracy amendment. We believe that people ought to be able to run their own affairs, that the power comes not from the State to the people, but from the people to the government. Then let the people of the District of Columbia be empowered to run their own government and get rid of this extraneous stuff. It does not belong here. Treat D.C. residents the way we treat our own constituents. That is all we are asking. That is the bottom line of this amendment. Do unto others as you would do unto yourself.

Mr. Chairman, we would not do it to our constituents; we should not do it to D.C. residents.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise to commend the subcommittee chairman for the provisions he has put in the bill, and I oppose the amendment. The fact of the matter is, there has been an ongoing effort to expand charter schools in the District of Columbia. It is one of the most successful efforts in the United States. We have had a policy for a number of years, when the D.C. government closes a school, to allow the people who have charter school programs to have an opportunity to use the unused school building, and that policy has been flouted. It has not been put into effect. The chairman, in the bill, is trying to honor that agreement and get the D.C. Government off the dime to allow the unused school buildings, under proper circumstances, to be used by the children of the District who are enrolled in charter schools.

I understand that if we drop this language, the charter school people are going to be ignored. If we keep the language in, we will have an opportunity to work out something reasonable, so I commend the chairman for his language.

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of my colleague's amendment, and I thank her for her leadership on these issues.

I want to address just one provision in the gentlewoman's democracy amendment, the domestic partnership health benefits.

At a time when 44 million people in our country lack health care coverage, this House has decided that it will erect new barriers for certain citizens of our capital city to obtain health care insurance. They have decided to prohibit the implementation of the District's plan to extend health care coverage to domestic partners of city employees, and I must ask why. Congress stands as the only barrier between affordable health care for countless families of city employees. This stand could mean the difference between having a sensible health care plan or no plan at all; it could mean the difference between wellness and illness, and in some cases, life and death.

As a proponent for health care for all, I am extremely disturbed by this underlying provision. The employees of this city want nothing more and nothing less than fairness and equality in the workplace. Allowing access to the most basic of benefits, health care, does just that.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, on July 11, the D.C. Council passed a bill which would require employers in the District of Columbia to provide contraceptive coverage to their employees. Despite the fact that a good conscience clause exempting employers who wish to waive this on religious or moral obligations was offered, it was not adopted by the council.

Furthermore, the debate got rather ugly and some council members espoused anti-Catholic and anti-Christian beliefs in the course of this discussion. One of the provisions that would be deleted by the gentlewoman's amendment would be the requirement for the District of Columbia City Council to go back and reconsider the conscience clause, allowing for religious and moral obligations.

Now, if the concern is that there are not contraceptives available in the District of Columbia, according to the Department of Health and Human Services, there are 10 locations inside the District of Columbia where contraceptives can be obtained free.

b 1530

If one is above the poverty level, one can pay a minimum cost for contraceptives. Contraceptives are available in the District of Columbia. There is no reason for the District, for the council to carry on this debate about religious and moral convictions not being applicable. Because if someone for some reason did not have access to health care coverage that provided contraceptives, and they wanted to obtain contraceptives, they could go to one of the 10 locations in the District of Columbia where they could get free contraceptives at low cost if they are above the poverty level.

So I think the gentlewoman's amendment to strike all provisions would go way too fast and would not task the city council with going back and reconsidering the conscience clause which I think they should could consider.

So if one strikes all the general provisions, I think it is a bridge too far, a step too far; and I think it is a wrong thing. I think we should allow Congress, which has the constitutional requirement to oversee this, to carry on with these general provisions as are listed in the bill.

The CHAIRMAN. The gentlewoman from the District of Columbia has 1½ minutes remaining.

Ms. NORTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in strong support of her amendment.

Mr. Chairman, as I sat here to think about what could one say in 90 seconds, it occurs to me that each and every one of my colleagues ought to consider this. None of us, not one of us in this body wants to take ownership of every policy adopted by the D.C. City Council and its mayor, not one of us. It is theirs to take, theirs to do.

But I suggest to my colleagues, to the extent that we include provision 1, 2, 3, and 4 and leave out 5, 6, and 7, one could clearly argue, well, apparently one is against 1 through 5, but one must be for 6, 7 and 8. That is not the case. It is not the case. I am not responsible for what the D.C. City Council does, the D.C. City Council is, and the voters of the District of Columbia are, any more than the D.C. Council is responsible for what I do on this floor.

This is called a democracy amendment, because, in a democracy, we believe that the people can be wrong. The people can disagree. The people do not all need to be overseen by Big Brother. It seems to me that is a conservative concept. It seems to me that is something that people who want smaller government adopt as a premise, that Big Brother ought not to be overseeing the District of Columbia. Vote for this democracy amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 2 minutes remaining.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDI).

Mr. TANCREDI. Mr. Chairman, I thank the gentleman for yielding me this time.

There has always been, there always will be, there is now bureaucratic opposition to any sort of reform, especially in school reform that gives parents greater opportunities, greater freedoms.

The gentleman rails on about micro-managing this and avoidance of that. What we are trying to do with, especially the charter school provision, is

to give people, the individuals, the parents in the District of Columbia, greater freedom, greater choice, not the bureaucrats, not the educational system in general, but parents, individuals.

Is that not the best kind of freedom to give anybody? Is that not the best kind of public policy to adopt here? It is not a hard hand of government coming down on the District. It is the freedom we are going to give parents in the District of Columbia to select charter schools for their kids, the greatest opportunity we can possibly give to anyone, including the residents of the District of Columbia.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of the time.

Certainly, as I said before, I agree with the concept that, if there are things in this bill that are carry-overs that serve no purpose any further, then they should join the two dozen provisions that we have already taken out that have been carried year after year in this bill.

We will continue to work with the other side of the aisle and our own side to make sure that we do not carry anything that is not necessary. Of course, the other issues are policy issues such as we have talked about relating to drug needles, relating to contraceptive mandates that exclude a conscience clause. Those issues are going to be brought up in further amendments.

But as to this one, Mr. Chairman, I would like to close the debate.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has been read," Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from the District of Columbia desire to be heard on the point of order?

Ms. NORTON. Mr. Chairman, I understand the rules of the House. I appreciate that I have been heard on what, for us, is a vital amendment. I will continue to work with the gentleman from Oklahoma (Mr. ISTOOK) to eliminate such provisions as we can agree should be eliminated.

The CHAIRMAN. For the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr.

LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

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LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4942 in the Committee of the Whole pursuant to House Resolution 563 no further amendment to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the amendments printed in House Report 106-790; three, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and, four, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

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DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4942.

b 1528

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today,

the bill was open from pages 41 line 1 through page 41 line 3.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman or ranking member of the Committee on Appropriations, or their designees for the purpose of debate, the amendments printed in House Report 106-790, and the following additional amendments, which shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question:

One, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and

Two, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

The Clerk will read.

The Clerk read as follows:

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53 line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the remainder of the bill from page 41, line 24, through page 53 line 14 is as follows:

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the

District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. (a) **REQUIRING MAYOR TO MAINTAIN INDEX.**—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) **PUBLIC INSPECTION.**—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) **CONTRACTS EXEMPTED.**—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) **DISTRICT GOVERNMENT DEFINED.**—In this section, the term “District government” means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Co-

lumbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 120. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 121. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 122. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term “program, project, and activity” shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 123. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 124. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 125. None of the Federal funds provided in this Act may be used by the District

of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 126. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2001, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 127. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 128. (a) CONDITIONS FOR GRANTING PREFERENCE IN USE OF SURPLUS SCHOOL PROPERTIES TO PUBLIC CHARTER SCHOOLS.—

(1) IN GENERAL.—Section 2209(b)(1)(A) of the District of Columbia School Reform Act of 1995 (sec. 31-2853.19(b)(1)(A), D.C. Code) is amended—

(A) by striking “purchase or lease” and inserting “purchase, lease-purchase, or lease”; and

(B) by striking “, provided that” and all that follows and inserting a period.

(2) PROPERTY SUBJECT TO PREFERENCE.—Section 2209(b)(1)(B)(iii) of such Act (sec. 31-2853.19(b)(1)(B)(iii), D.C. Code) is amended to read as follows:

“(iii) with respect to which the Authority or the Board of Education has transferred jurisdiction to the Mayor at any time prior or subsequent to the date of the enactment of this title.”.

(b) PROCEDURES FOR DISPOSITION OF PROPERTY.—Section 2209(b)(1) of such Act (sec. 31-2853.19(b)(1), D.C. Code) is amended by adding at the end the following new subparagraphs:

“(C) DISPOSITION TO PUBLIC CHARTER SCHOOLS.—

“(i) IN GENERAL.—Public charter schools shall have the priority right to lease, lease-purchase, or purchase any vacant facility or property described in subparagraph (B), and any facility or property described in subparagraph (B) which is leased or occupied as of the date of the enactment of this subparagraph by an entity other than a public charter school.

“(ii) APPRAISAL OF PROPERTY.—When a public charter school notifies the Mayor of its intention to exercise its rights under clause (i), the Mayor shall obtain within 90 days an independent fair market appraisal of the facility or property based on its current permitted use, and shall transmit a copy of the appraisal to the public charter school. The public charter school shall have 30 days from the date of receipt of the appraisal to enter into a contract for the purchase, lease-purchase, or lease of such facility or property, which time may be extended by mutual agreement. Upon execution of the contract, the public charter school shall have 180 days to complete the acquisition of the property.

“(iii) PRICES.—

“(I) PURCHASE.—The purchase price of a facility or property described in this clause and in subparagraph (B) shall be the fair market value of the facility or property, less a 25 percent discount.

“(II) LEASE.—The lease price of a facility or property described in this clause and in subparagraph (B) shall be the price charged by the District of Columbia to other nonprofit organizations leasing public facilities or, if there is no nonprofit rate, fair market value less a 25 percent discount. The price shall be reduced to take into account the value of any improvement to the public school facility or property which is preapproved by the Mayor.

“(III) LEASE-PURCHASE.—A lease-purchase price of a facility or property described in this clause and in subparagraph (B) shall reflect a 25 percent discount from fair market value, in a manner consistent with subclauses (I) and (II).

“(iv) QUARTERLY REPORT.—On January 1, April 1, July 1, and October 1 of each calendar year, the Mayor shall publish a report describing the status of each facility or property described in subparagraph (B), including the date of expiration of the lease term or right of occupancy, if any, and the date, if any, each facility or property was or will be put out for bid or transferred to a District of Columbia agency, if any. The Mayor shall deliver such report to each eligible chartering authority and shall publish it in the District of Columbia register.

“(D) DISPOSITION OF FACILITIES OR PROPERTIES AFTER EXCLUSIVE PERIOD.—

“(i) IN GENERAL.—The Mayor may put out for bid to the public or transfer to a District of Columbia agency for the use of such agency any facility or property described in this subparagraph (B) which was not acquired by a public charter school pursuant to subparagraph (C).

“(ii) NOTICE.—At least 90 days prior to putting any such facility property out for bid or transferring it to a District of Columbia

agency, the Mayor shall notify each eligible chartering authority in writing of his intention to do so.

“(iii) PUBLIC CHARTER SCHOOL RIGHT TO ACQUIRE BEFORE BID OR TRANSFER.—Prior to the expiration of the 90-day notice period described in clause (ii), a public charter school may purchase, lease-purchase, or lease any facility or property described in the notice under the terms described in clause (iii) of subparagraph (C).

“(iv) PUBLIC CHARTER SCHOOL RIGHT TO MATCH BID.—With regard to any facility or property offered for bid under this subparagraph, the Mayor shall notify each eligible chartering authority in writing within 5 days of the amount of the highest acceptable bid. A public charter school may purchase, lease-purchase, or lease such facility or property by submitting a bid for the facility or property within 30 business days of receipt by each eligible chartering authority of such notice. The cost of acquisition shall be as described in clause (iii) of subparagraph (C).

“(v) FACILITIES OR PROPERTIES NOT PUT OUT FOR BID OR TRANSFERRED.—A public charter school shall have the right to purchase, lease-purchase, or lease, under the terms described in clause (iii) of subparagraph (C), any facility or property described in this paragraph that has not been put out for bid or transferred to a District of Columbia agency by the Mayor as provided for in this subparagraph.”.

(c) PREFERENCES FOR USE OF CURRENT PROPERTY.—Section 2209(b)(2) of such Act (sec. 31-2853.19(b)(2), D.C. Code) is amended—

(1) in subparagraph (B)(ii), by striking “purposes,” and inserting “purposes directly related to its mission,”; and

(2) by adding at the end the following new subparagraph:

“(C) PREFERENCE DESCRIBED.—A public charter school shall have first priority to lease, or otherwise contract for the use of, any property described in subparagraph (B), at a rate which does not exceed the rate charged a private nonprofit entity for the use of a comparable property of the District of Columbia public schools and which is reduced to take into account the value of repairs or improvements made to the facility or property by the public charter school.”.

(d) EXERCISE OF PREFERENCES BY OTHER ENTITIES.—Section 2209(b) of such Act (sec. 31-2853.19(b), D.C. Code) is amended by adding at the end the following new paragraph:

“(3) EXERCISE OF PREFERENCE BY CERTAIN OTHER ENTITIES.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under this subsection.”.

AMENDMENT NO. 13 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in the CONGRESSIONAL RECORD offered by Mr. MORAN of Virginia:

Strike sections 128 and 129 (and redesignate the succeeding provisions accordingly).

Mr. ISTOOK. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason for doing this is we want to strike sections 128 and 129. The reason is that the District of Columbia is already on the leading edge of the charter school movement throughout the country. It is reforming its schools. In fact, it had an enrollment increase of over 100 percent in the last year. Mayor Williams has seen to it that the funding has increased by 300 percent to \$77 million for charter schools. That is good. That is what we want.

The Center for Washington Area Studies reported that D.C. charter schools funding is among the most generous in the entire Nation in terms of per-pupil expenditures. Unfortunately, these two provisions could potentially jeopardize both that funding and the positive impact which charter schools are having because it substantially reduces the authority of local elected officials to determine the best use of surplus school properties. It was done without consultation with the Mayor or the school board or local elected officials.

So passage of these provisions is going to have a very serious effect potentially upon homeless shelters, alternative education programs, the Metropolitan Police Department, because these organizations, these services are using surplus school properties.

These amendments say any charter school can go in and buy these surplus school properties at 25 percent less than market even if they are occupied. So potentially, one could displace the Commission on Mental Health which operates a clinic at the Addison School, the Center of Hope which leases Keene School, the Commission on Mental Health which operates a children's program at the Reno School, the homeless shelters at Madison School in Old Emery, the Police Department at Petworth School.

I have got all kinds of examples here that could be displaced if any charter school wants to come in and buy these surplus properties. They can get it at 25 percent discount on all leases, sales and lease sales. That means that the District of Columbia could lose \$48 million from the market value of this property. That is why the Mayor does not want this.

This does not make sense. We would not want it if we were mayor. Why would one lose that kind of money? We want to cooperate with charter schools. We are strongly in favor of charter schools. D.C. is doing a good job on charter schools. But this could really impede its efforts.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining.

Mr. MORAN of Virginia. That is exactly even, Mr. Chairman, and that is what we want.

Mr. Chairman, I yield the balance of my time to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

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Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a strong supporter of charter schools. This city has more charter schools than any other jurisdiction in the United States. It has been very generous with them.

Some residents went around our mayor and came up here to get this amendment. I believe Mr. Peabody and Mr. Patten. There may be others. If they were having trouble with the District, they have now had a meeting with the District, they should have come to me or someone else. Instead, what we get is a heavy-handed amendment that this House could never, never, at least if it is a market-driven House, could never approve. It slaps a huge compelled nonmarket-driven reduction on property without knowing where the property is or what it is worth and otherwise directs how properties should be disposed of. We do not do that in a free economy. We do not do that in a market-driven economy.

The District has very scarce resources precisely because the Federal Government takes up all of the space. Mayor Williams wrote to the chairman saying, "I am opposed to language concerning disposition of surplus school property that would hamper the District Government's ability to utilize its assets to reform our schools."

This amendment is big-time overkill to tell the City how much it should sell property for, how much it should reduce property to. Some of it should be reduced to nothing; some of it should be reduced very little. None of us in this body knows.

I arranged a meeting when I learned of this problem. I understand that the City itself is going to deal with this and it should have it dealt with within a month. I hope that by the time we get to conference, the chairman will see fit to withdraw this, because I think the matter shall have already been taken care of.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment, as well as reserving a point of order.

What is happening with charter schools in the District of Columbia is that parents and students are flocking to them because they offer an escape from the bureaucracy that governs the District's schools, that assumes the cash, that has one of the highest per-pupil funding rates in the country; but where the cash ends up in a bureaucracy not helping out in the classroom with Johnny and Suzy.

Charter schools have now attracted over 10 percent of the student enrollment, moving toward 15 percent of the

students in the public schools in the District of Columbia. Charter schools are themselves public schools but they do not get stuck with the same bureaucracy, and parents want these charter schools. They are sending their kids to them. But what is happening, Mr. Chairman, is that the bureaucracy is striking back. Not openly, not out in the open, but using their weapon of choice, red tape, and strangling the charter schools when they try to do something. Charter schools are supposed to have the same access to public resources as public schools do.

We did not create this, Mr. Chairman, but the control board had an order that they issued in 1998 saying that if a charter school wanted to match the bid price of a vacant school, and they have tons of them in the District of Columbia, if a charter school wanted to match the bid price, because they were also part of the public school system, that if the price was a million dollars or less, they would get a 25 percent discount; if the price was over a million dollars, it would be 15 percent. That is where this language providing discounts comes from. It is the standard the control board approved.

But guess what? Let me tell my colleagues a couple of things. Charter schools found when they tried to make the leases, the process was being dragged out. Let me tell my colleagues the story of the Franklin School. The Franklin School had bids solicited for this vacant property in February of 1998. There was an appraisal made so the taxpayer would be protected. The appraisal was \$4.1 million, and the successful bidder was a charter school.

But then the emergency board of education trustees said, well, we want to oppose this, and the control board rejected the bid. Why? Well, the control board said they found out there was an assessment and the District claimed the building is worth more than the \$4 million, that it is worth \$15 million. And they hung on to that claim for months and months as a reason, until somebody finally went back to the District and checked the records, and the District had changed its own assessment, but no one bothered to ask the District about it. The District had agreed. They had changed it back in June of 1999 that the assessed value was \$4.2 million, right in line with the appraisal of \$4.1 million.

Despite the successful bid of the charter school, which is now, gosh, Mr. Chairman, it is a year and a half old now, the D.C. schools and their bureaucracy are dragging their feet and refusing to let the building be used for a charter school. They just drag it out. Never any overt actions; just we are waiting on this, we are waiting on that. Mr. Chairman, we have to cut through the red tape sometime.

Now, I want to work with the gentlewoman from the District; I want to work with the gentleman from Virginia, the ranking member; and I want to work with the District people and

the school people. I just want to make sure that they want to work with the charter schools. The charter schools are public schools. They have the same rights, because they represent and teach the same kids, the same source of kids, and we have to stop the bureaucracy from trying to strangle them.

The general provisions in the bill just put in common sense requirements to make sure they get equal treatment. We could delve into the details, but as I said, they could change as we work through this process. We want to protect the kids, whether they attend a regular public school or a charter school. They need protection. They need a good solid education so that they can have a future of hope and growth and opportunity.

Mr. Chairman, we certainly oppose the amendment that tries to take out these efforts at reform, but we do want to continue to work with everyone involved to make these provisions the best they can be.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time to sum up here.

Mr. Chairman, I do not object if the intent is simply to help the charter school movement. The mayor wants to do that. I think most people in D.C. want to have an alternative school system.

The problem is this amendment could potentially take \$48 million out of the public school system. It could displace a number of very important organizations; the Commission on Mental Health; the D.C. Police Department is using Petworth School. Homeless shelters. So I do not think it was fully thought out.

The problem is that it was done without consultation with the mayor, D. C. Council, and the school board. That is why the amendment really should be struck. I understand the point of order, but I also know we are doing the right thing if we were to strike it.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

I appreciate the gentleman's concern, Mr. Chairman. I want to assure him this is not about displacing anyone, and certainly I do not believe the amendment does what the gentleman claims, but I understand the bona fide concern to make sure that it does not.

We have been working both directly and indirectly with the mayor's office and other entities involved and will continue to do so.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has

been read." Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SEC. 129. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

"(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

"(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

"(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter."

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31-2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking "AUTHORITY" and inserting "ELIGIBLE CHARTERING AUTHORITY";

(B) in clause (i), by striking "Authority" and inserting "eligible chartering authority"; and

(C) by amending clause (ii) to read as follows:

"(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later."

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31-2853.20, D.C. Code) is amended by adding at the end the following new subsection:

"(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRE-SCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31-2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

"(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program."

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31-2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31-2853.13(h)(2), D.C. Code) is amended by striking "(17)".

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.43, D.C. Code) is amended by adding at the end the following new subsection:

"(c) ASSIGNMENT OF PAYMENTS.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan."

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) PARTICIPATION IN GSA PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

"(2) PARTICIPATION BY CERTAIN ORGANIZATIONS.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1)."

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia

Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 2000, fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, which ever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of

Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING UNDER "DIVISION OF EXPENSES".—

(1) IN GENERAL.—The Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for

inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), is further amended in section 2408(a) by striking “2000” and inserting, “2001”; in subsection (b), by striking “2000” and inserting “2001”; in subsection (i), by striking “2000” and inserting, “2001”; and in subsection (k), by striking “2000” and inserting, “2001”.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds

made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-392.2(j), DC Code), as amended by section 148(a) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

“(j) RESERVE.—

“(1) IN GENERAL.—Beginning with fiscal year 2000, the financial plan or budget submitted pursuant to this Act shall contain \$150,000,000, to remain available until expended, for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

“(2) CONDITIONS ON USE.—The reserve funds—

“(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority;

“(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

“(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings, management reform savings, and cafeteria plan savings.

“(3) REPORT REQUIREMENT.—The Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.

“(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the \$150,000,000 balance.”.

(b) Section 202(k) of such Act (sec. 47-392.2(k), DC Code), as amended by section 148(b) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

“(k) POSITIVE FUND BALANCE.—

“(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

“(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

“(A) not more than 50 percent may be used for authorized non-recurring expenses; and

“(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.”.

(c) The amendments made by this section shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2000.

SEC. 149. Subsection 3(e) of Public Law 104-21 (D.C. Code sec. 7-134.2(e)) is amended to read as follows:

“(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1, thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31, thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.”.

SEC. 150. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 106-790 offered by Mr. SOUDER:

In section 150, strike “Federal”.

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment would prohibit the use of any funds appropriated by this bill to finance needle exchange programs in the District of Columbia.

The reasoning is simple: Needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to

keep off our streets. They send the wrong message, and it simply does not work.

This is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact same language as the amendment that passed last year with 240 votes and was signed by the President.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Dixon), whose amendment passed in full committee and whose amendment would be negated by this amendment.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment clearly illustrates the philosophy of this bill, and that is "do as I say." Let me read to my colleagues the people that support the needle exchange program.

b 1600

The American Medical Association, the American Public Health Association, the United States Conference of Mayors.

Let me read to my colleagues what, on March of this year, the Surgeon General said. He said that "after reviewing all of the research to date, the senior scientists of the Department and I have unanimously agreed that there is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are, in effect, public health intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs."

Clearly, everyone can see that some people are opposed to it notwithstanding the facts, and that is the reason this amendment is being offered.

The American Medical Association says that it has an impact. The Surgeon General has studied this. It is a simple amendment. It is a matter of simple philosophy. They do not like it.

What funds are they using? Their own funds. Is this some novel idea? Thirty States have these programs where they use State and local funds, 133 cities. But we come to the floor because we personally do not like it and say to them that they cannot use their own funds.

I urge my colleagues to vote no on this.

Mr. SOUDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Indiana (Mr.

SOUDER) for yielding me the time and commend him for his effort.

I strongly support his amendment. This is something that would make it absolutely clear that the taxpayers' dollars, no matter what taxpayers' dollars those might be, cannot be used to provide needles to drug addicts to participate in an illegal activity.

We should not tell our children do not do drugs on the one hand while giving them free needles to shoot up with on the other. We need a national drug control policy which emphasizes education, interdiction, prevention and treatment, not subsidies for addicts.

Providing free hypodermic needles to addicts so that they can continue to inject illegal drugs sends a terrible message to our children that Congress has given up on the fight to stop illegal drug use and that the Federal Government implicitly condones this illegal activity.

As lawmakers, we have a responsibility to rise up and fight against the use and spread of drugs everywhere we can. We should start by making it harder, not easier, to practice this deadly habit.

This amendment will reaffirm the Federal Government's commitment to the war on drugs by prohibiting Federal and District funds from being used to conduct needle exchange programs in the District of Columbia. These programs are harmful to communities and undermine our Nation's drug control efforts.

Drug abuse continues to ravage our communities, our schools, and our children. Heroin use is again on the rise. Thousands of children will inject hard-core drugs like heroin and cocaine. The first year, many will die.

Oppose the effort to have needle exchanges. Support the Souder amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong opposition to this amendment to prohibit the District of Columbia from using any funds, Federal or local, for a needle exchange program.

The positive effects of needle exchange are proven. In communities across the country, needle exchange programs have been established and are contributing to the reduction of HIV transmission among IV drug users.

In my hometown of Madison, Wisconsin, as well as in other Wisconsin communities, outreach workers and volunteers go into the community and provide drug users with risk-reduction education and referrals to drug counseling treatment and other medical services.

Yet Congress continues to ignore the overwhelming scientific evidence showing that needle exchange is an effective HIV prevention tool.

I want to end with a personal note on this issue. When outreach workers in my community and in other Wisconsin

communities go out to drug abusers and say, I care about whether you live or die, it brings them into treatment and takes them off their dependency.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman who chairs the Subcommittee on Criminal, Justice, Drug Policy and Human Resources of the Committee on Government Reform.

Mr. MICA. Mr. Chairman, I do not ask my colleagues to support this amendment. I implore them to support this amendment.

If we want to listen to people who are making statements about needle exchange programs, take the word of our drug czar, this administration's drug czar, General Barry McCaffrey, who said, "by handing out needles, we encourage drug use. Such a message would be inconsistent with the tenure of our national youth-oriented anti-drug campaign."

That is our drug czar that made that statement.

If we want to look at examples where they have instituted drug and needle exchange programs and see the results, a 1997 Vancouver study reported that their needle exchange program started in 1988 with HIV prevalence in drug addicts at only 1 to 2 percent and now it is 23 percent.

The study found that 40 percent of the HIV-positive addicts had lent their used syringes in the previous 6 months.

Additionally, the study found that 39 percent of the HIV-negative addicts had borrowed a used syringe in the previous 6 months.

If we want to see what a liberal program will do to a city, just look to the sister city to the north, Baltimore. With a liberal mayor who adopted a liberal policy on needle exchange, everyone could do it.

The murder rate is a national disgrace. The addicts, and this information was given to our subcommittee by DEA, in 1996 were at 39,000.

Recently, a councilwoman, Rickie Specter, said that the statistics are not one in 10 of the city population, according to a Time Magazine report in September of 1999, but, and these are her words, "it is more like one in eight."

So if we want to ruin this city, adopt the policy in the bill and defeat the amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, drug czar General McCaffrey has never opposed a prohibition on local jurisdiction's efforts to implement a needle exchange program.

Mr. Chairman, I yield 1 minute to my friend, the honorable gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is an example of the misguided moralism that is so replete in this District of Columbia appropriations bill.

What is at issue here is public health. It has been clearly demonstrated that

by providing sterile syringes and needles to drug addicts, we cut back dramatically on the incidence of HIV and AIDS.

Fifty percent of the AIDS-positive people in the District of Columbia contracted that condition by using contaminated needles. Seventy-five percent of the women in the District of Columbia who are HIV-positive got that way as a result of contaminated needles. Seventy-five percent of the children who are HIV-positive in the District of Columbia got that way as a result of contaminated needles.

This is a public health issue. My colleagues ought to poke their noses out of it. Let the District run their own business. They are condemning people to contract HIV and AIDS by proposing this amendment if it passes. More people will become HIV-positive and more people will die of AIDS as a result of this amendment if it passes. It should be defeated.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, let me make it clear. There are only two scientific long-term studies, one in Vancouver and one in Montreal. In Montreal, the number that contracted the AIDS virus more than doubled; in Vancouver, it was higher among participants in the program.

Furthermore, one prominent advocate of the needle exchange program said most needle exchange programs provide a valuable service to users. They serve as sites of informal and increasingly formal organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site, networking that might otherwise have taken half a day.

This does not help HIV people. This does not help drug addicts. The merciful thing to do, the caring thing to do is to help people get off of their addiction, not to fuel their habit by giving them free needles paid for by the taxpayers either directly or indirectly.

This idea that the money is not fungible is laughable. Either directly or indirectly, it should not come from the taxpayers of Indiana or anywhere else to fuel people's drug habits that also can lead them to the HIV virus.

Mr. Chairman, my amendment would prohibit the use of any of the funds appropriated by this bill to finance needle exchange programs in the District of Columbia. The reasoning is simple: needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to keep off our streets, send the wrong message, and simply don't work. It is consistent with the needle exchange ban we passed and that was enacted in the bill last year, and I urge my colleagues to maintain the ban in this bill. This amendment restores the exact language that passed last year with 240 votes and was signed by the President.

NEEDLE EXCHANGE PROMOTES DRUG USE

Our experience with the needle exchange programs so far has shown us that needle exchange programs can become havens not only for drug use, but also magnets for drug dealers and networking sites for addicts to learn where to find more drugs. For example, Donald Grovers, who is a prominent advocate of needle exchange programs, has said:

Most needle exchange programs provide a valuable service to users. . . . They serve as sites of informal (and increasingly formal) organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.

It's also a basic economic law that sellers go where their customers are, and for a drug dealer there can be few targets of opportunity riper than a needle exchange location. It is almost literally bringing sheep to the wolf. The New York Times reported in 1997 that:

When a storefront is handing out 20,000 syringes a week, suppliers are not far away. East Villagers who have been trying to rebuild a neighborhood devastated by drugs during the 1980s complain that the needle exchange has brought more dealers back to the streets and more addicts into the halls of the public housing projects at the corner.

James Curtis, a Columbia University Professor, observed in a New York Times Op Ed that tenant groups around one of New York's largest needle exchange programs told him that the center had become a magnet for dealers, and that used needles, syringes and crack vials litter their sidewalks. The police do nothing.

Needle exchange sites have become, for all practical purposes, safe havens for drug users to escape law enforcement. The office of the DC Police Chief has previously said that its policy is to "look the other way" when drug addicts approach the Whitman-Walker clinic's mobile van unit to receive needles, and other programs are designated "police-free zones." The Office of National Drug Control Policy concluded that the highest rates of property crime in Vancouver were within two blocks of the needle exchange.

NEEDLE EXCHANGE PROGRAMS SEND THE WRONG MESSAGE

Mr. Chairman, we have already appropriated billions of dollars for next year to keep drugs off our streets through drug interdiction and law enforcement, including aid to the states and the District of Columbia. We have also appropriated substantial sums to help those who are addicted to drugs get off and stay off through prevention and treatment efforts, also including aid to the states and the District of Columbia. It makes no sense whatsoever to turn around in this bill and appropriate more funds to directly counter those efforts by passing out free needles to addicts, or to support efforts by the District of Columbia (or any state for that matter) to counter the goals of federal policy in these areas.

Finally, General McCaffrey also pointed out that:

Needle exchange programs are almost exclusively located in disadvantaged, predominantly minority, low income neighborhoods. . . . These programs are magnets for all social ills—pulling in crime, violence, addicts, prostitution, dealers, and gangs and driving out hope and opportunity. The overwhelming

likelihood is that the burdens of any expansion in needle exchange programs will continue to fall upon those already struggling to get by.

Just yesterday, we passed the Community Renewal bill, one of the most hopeful and optimistic pieces of legislation we have considered this Congress. Do we want to turn around today and go in the other direction?

NEEDLE EXCHANGE PROGRAMS DON'T WORK

Finally, even if we were to ignore all of that and adopt for the purposes of argument the fundamental premises of needle exchange advocates, the cold fact of the matter is that needle exchange programs simply don't work.

Dr. Fred Payne, medical advisor to the Children's AIDS Fund, found that "the data from four studies . . . strongly indicate that needle exchange is ineffective in reducing HIV transmission among study participants," and concluded that the evidence on the whole indicated that programs were ineffective.

Mr. MORAN of Virginia. Mr. Chairman, I yield the final one minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, for many of us, this has become an issue laden with emotional content because of its life-or-death consequences so visible where we live.

HIV-AIDS has become another burden of race in our country and in this majority black and Hispanic city. Today, the disease is largely a black and brown killer because of contaminated needles. The overwhelming majority of new cases have been black and Hispanic for years now. HIV-AIDS is now a racially based public health emergency.

What Congress does on needle exchange is heavily laden with racial content. The Congress allows citizen localities everywhere else on Earth to do what is safe and what works for them.

The Congress must not condemn women, men, and children who live in the District to die because they live in the District. That is what we do if we wipe out the District needle exchange program in the city.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to allow the District to make its own decisions on how to best prevent new HIV infection.

Mr. Chairman, I rise in opposition to the Souder amendment. This amendment will prohibit the use of both federal and local funds for the City's needle exchange program to prevent new HIV infections in injection drug users and their partners.

The District of Columbia has one of the highest HIV infection rates in the country. Intravenous drug use is the District's second highest mode of transmission, accounting for over 37 percent of all new AIDS cases. For

women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. The American Medical Association, the American Bar Association, the American Public Health Association, the American Academy of Pediatrics, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. Dr. C. Everett Koop, former Surgeon General, also expressed support for clean needle exchange programs. These are his words, "Having worked on the HIV/AIDS epidemic since its emergence in the U.S., I . . . express my strong belief that local programs of clean needle exchange can be an effective means of preventing the spread of the disease without increasing the use of illicit drugs."

Once again, we are engaged in heated debate over policies that are best left in the hands of the scientific community. We should not be politicizing public health decisions.

The District of Columbia has had a local needle exchange program in place since 1997. By using its own funds the number of new HIV/AIDS cases due to intravenous drug uses had fallen more than 65% through 1999. This represents the most significant decline in new AIDS cases, across all transmission categories, over this time period.

Mr. Chairman, AIDS is the third leading cause of death in the District. Without a needle exchange program, HIV will spread unchecked, and more people will be at risk. Public health decisions should be made by public health officials; science should dictate such decisions, not politics. I urge my colleagues allow the District to make its own decisions on how best to prevent new HIV infections. Vote "no" on this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to oppose the Souder amendment and the bill for several reasons.

The bill ignores the fact that needle exchange does not increase drug use. It ignores the fact that society would have fewer individuals infected with HIV if they used clean needles. Needle exchange programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. Numerous studies concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

Mr. Chairman, it has long been known that socioeconomic status impacts not only an individual's access to and use of health care but also the quality and benefits derived from health care. Impoverished communities have higher numbers of homeless individuals. Homelessness, in turn, increases risk for HIV due to associated high rates of substance abuse and prostitution.

The Federal Office of Minority Health has determined that increased economic inequality is the driving force behind the rising health disparities among Americans. Today, racial and ethnic minorities comprise approximately 27 percent of the U.S. population, but account for more than 66 percent of the Nation's new AIDS cases.

Mr. Chairman, last year I said this amendment was politically driven, rather than sci-

entifically based and that still remains true. This bill whips on the poorest of the poor. This bill puts at risk millions of Americans who might be married or committed to someone who they may not know is an intravenous drug user. More importantly, this bill puts children at risk.

Mr. Chairman, in order to stop the spread of HIV and improve the health care of those already infected, prevention and intervention programs that are designed to address the specific needs of the population affected must be supported. The D.C. "clean" needle exchange program must be funded. I urge all members to vote against this thoughtless amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 563, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none for the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or

a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time to time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 158(b) of Public Law 106-113, approved November 29, 1999 (113 Stat. 1527) is amended to read as follows:

"(b) SOURCE OF FUNDS.—An amount not to exceed \$5,000,000 from the National Highway

System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a)."

POINT OF ORDER

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.

This provision makes changes to existing law by earmarking up to \$5 million of the District of Columbia's Federal highway funds to complete design and environmental requirements for the construction of expanded lane capacity for the 14th Street Bridge. This would be an unprecedented earmarking of State formula highway funds by the Congress.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The gentleman from Virginia (Mr. MORAN) is recognized.

Mr. MORAN of Virginia. Mr. Chairman, put this language in. We have a desperate situation on the 14th Street Bridge that is going to be exacerbated by construction on the Woodrow Wilson Bridge and construction on I-66.

Right now, on many days we will see backups for miles both north and south on the GW Parkway. I am sure that many of the Members who do live in Virginia are acutely aware of this problem. We need to widen the 14th Street Bridge desperately. It should be taken care of by the Public Works Committee.

Now, all this is is money for planning, design, and construction to widen the 14th Street Bridge. I can see that the Public Works Committee wants to retain all of its prerogatives and this is a turf thing, and that is understandable.

What we were trying to do was to help out the District of Columbia so they did not have to take it from their own transportation money.

No good deed generally goes unpunished, and I see this good deed is going to be punished. So I understand the motion of the gentleman from Wisconsin (Mr. PETRI). There is little we can do at this point because, under the parliamentary rules, it is a point of order.

At this point I would concede the point of order.

b 1615

The CHAIRMAN. Section 153 of the bill proposes directly to amend existing law. As such, it constitutes legislation in violation of clause 2(b) of rule XXI. The point of order is sustained. Section 153 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 154. (a) CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 30-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Man-

agement Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

(b) PENALTY.—Any chief financial officer who carries out any activity in violation of any provision of this Act or any amendment made by this Act shall be subject to a civil money penalty in accordance with applicable District of Columbia law.

SEC. 155. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code 1-601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) or work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996 in order to ratify and approve the Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996.

SEC. 156. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 157. In submitting any document showing the budget for an office of the District of Columbia government (including an independent Agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 158. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 159. Notwithstanding any other provision of law, the Mayor of the District of Columbia, in consultation with the committee established under section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 8009-293, as amended by Public Law 106-113; 113 Stat. 1526), is hereby authorized to allocate the District's limitation amount

of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 160. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24-1232, DC Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

"(f) TREATMENT AS FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

"(A) Chapter 83 (relating to retirement).

"(B) Chapter 84 (relating to the Federal Employees' Retirement System).

"(C) Chapter 87 (relating to life insurance).

"(D) Chapter 89 (relating to health insurance).

"(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

"(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

"(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

"(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

"(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

"(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 161. It is the sense of Congress that the patients of Saint Elizabeths Hospital and the taxpayers of the District of Columbia are being poorly served by the current facilities and management of the Hospital.

SEC. 162. It is the sense of Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 163. It is the sense of Congress that the District of Columbia government should take all steps necessary to ensure that officials of the District government (including officials of the District of Columbia Financial Responsibility and Management Assistance Authority, independent agencies, boards, commissions, and corporations of the government) maintain a fiduciary duty to the taxpayers of the District in the administration of funds under their control.

SEC. 164. No amounts may be made available during fiscal year 2001 to the District of Columbia Health and Hospitals Public Benefit Corporation (through reprogramming, transfers, loans, or any other mechanism) other than the amounts which are otherwise provided for the Corporation in this Act under the heading "DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION".

SEC. 165. (a) For each payment or group of payments made by or on behalf of the District of Columbia Health and Hospitals Public Benefit Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter

13 of title 31, United States Code, or of any provision of this Act.

(b) More than one payment may be covered by the same affidavit under subsection (a), but a single affidavit may not cover more than one week's worth of payments.

(c) It shall be unlawful for any person to order any other person to sign any affidavit required under this section, or for any person to provide any signature required under this section on such an affidavit by proxy or by machine, computer, or other facsimile device.

SEC. 166. The District of Columbia Health and Hospitals Public Benefit Corporation may not obligate or expend any amounts during fiscal year 2001 unless (at the time of the obligation or expenditure) the Corporation certifies that the obligation or expenditure is within the budget authority provided to the Corporation in this Act.

SEC. 167. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 168. (a) Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13-399) shall not take effect.

(b) Nothing in this section may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

AMENDMENT NO. 23 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

In section 168, strike "(a)" and all that follows through "(b)".

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

I rise to ask that subsection (a) of section 168 be stricken as moot. It certainly repeals a section of D.C. law soon to be vetoed locally. The Congress like every legislature or law enforcement body always prefers to have people act on their own.

This is what the mayor and the D.C. council have done to extinguish the controversy that arose concerning the council bill to provide contraception as an option in insurance sold in the District. The council, on its own, came close to adopting a conscience clause but narrowly failed. Now indisputably the council is ready, willing and able to act. A joint letter from Mayor Anthony Williams and Council Chair Linda Cropp to the chairman indicated that they, quote, "who know the issues best

and all the parties well are prepared to address the necessary clause, giving great weight to parties in the District who advocate family planning and religious liberty," end quote.

To make good on his letter, the mayor publicly announced, on television, that he will pocket veto the contraception bill and work with the council to produce an acceptable compromise. The mayor is using a pocket veto rather than a veto now not because of any reluctance to veto the bill but because he has taken upon himself to bring all the parties together to a solution acceptable to all.

Mayor Williams is himself Catholic, and he has met with Auxiliary Bishop William Lori. He knows his council, and his judgment is that a pocket veto is what is appropriate if the point is to reach a solution acceptable to church and state alike, rather than further polarize the parties. The letter from Council Chair Cropp and Mayor Williams to the gentleman from Oklahoma (Mr. ISTOOK) and the Mayor's public announcement that he will pocket veto the bill as well as assurances of the pocket veto received here in writing to the chairman makes subsection (a) of section 168 moot. What would remain is section 168(b).

This section relating to religious and moral concerns more than satisfies the issue that has been raised in the Congress. Not to strike section (a) comes close to an insult to the Mayor and the Council Chair who have given their word in writing and publicly. In political life, a public man or woman's word is his or her bond. What D.C. officials have written and the Mayor has publicly declared concerning a pocket veto surely closes the circle and gives all the assurances that out of respect and dignity should ever be asked.

There is more. As you know, D.C. law is not law until it lays over for 30 legislative days. That time frame means that considering the upcoming recess days, no bill could become law until sometime in March. To add to that insurance policy, the Congress can on its own, sui sponte, introduce and enact any bill or amendment concerning the District, such is your all-consuming power over the District of Columbia.

Mayor Anthony Williams and Council Chair Linda Cropp and the D.C. City Council deserve their dignity as grown-up public officials with reputations for integrity elected to govern our Nation's capital. I ask you to show them the same respect we ourselves would demand. Please strike section 168(a).

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I am going to have a somewhat mixed response to the comments by the gentlewoman from the District of Columbia. What we are talking about here has not, I do not think, been fully stated, and it needs to be. I believe the date was July 11 when the Council had its meeting.

At that meeting, an ordinance came up for consideration requiring placing a mandate compelling employers in the District of Columbia to make one portion of health insurance coverage be that contraceptives would be covered, that they would be part of the benefit. Now, we could have a separate debate, we are not going to, but we could have a separate debate about what happens when you keep putting different mandates on health insurance.

No matter how common sense some particular mandate may seem to some people, it still drives up the cost. It is like every time you buy a car, they say, do you want this option or that option, or anything else that you purchase that you have got options, the more options you choose, the higher it costs. The same thing is true, of course, with health insurance.

If you require that people cannot buy health insurance unless you get it with all these options, then you find that nobody can buy plain coverage. Just like they could not buy a plain car if they had to buy the ones with all the options with it. Now, that is a separate issue because frankly it is not the core of the debate but that is where it started.

They said we want to mandate. We want to make sure if you are an employer in the District of Columbia and you are offering health care benefits, you cannot do it unless you include coverage for contraceptives. In the process of doing so, there had been a lot of work behind the scenes and a lot of debate and a lot of effort by the D.C. Council and by people within the community bringing up the issue of a conscience clause.

The Catholic Church, and entities affiliated with it, which has religious beliefs that are negative toward contraceptives, at least in the way that many other people may look at them, but the Catholic Church is a major employer in the District of Columbia. Georgetown University, the hospital services they provide, I will mention maybe as part of the laundry list later, but the point is they said, "For us and for other people, you are asking us to be doing something that is against our beliefs. You shouldn't do that."

We have got the first amendment protecting religion in this country. And what happened—and people saw it on TV, and they read about it—was that a little bit of a fire storm developed because rather than accommodating a good faith request for a conscience clause for people who have a religious or moral problem with providing contraceptives, the D.C. Council ran roughshod over them. Not only that, they conducted a hearing that was vitriolic toward people of faith in general and the Catholic Church in particular.

That did not sit well with this Congress. That did not sit well with a great many people in the District. That did not sit well with people in the country. So we put in the bill a simple

provision under our authority, under our obligation of article 1, section 8 of the Constitution, to have the legislative authority over the District of Columbia, saying this proposed law, that I believe ultimately was even adopted unanimously by the D.C. Council, this proposed law shall not take effect, cannot do it. And if you come back to fix things, to adopt a conscience clause, make sure that it covers religious beliefs and moral convictions, which is the law that is found in the Federal standard that we have adopted, for example, for the Federal employees health benefit plan. The Federal standard provides coverage for contraceptives but does not mandate that it has to be done so in violation of a religious belief or a moral conviction of the employer, employee and so forth. So we have got that in there.

The gentlewoman from the District of Columbia, however, makes an objection to the portion, and to her credit she is not asking that we strike the entire section, she is not asking that and nobody should think that she is. She is not asking that we strike the section that says if they come back and do something again, they must provide a conscience clause for religious belief and moral conviction. What she is requesting is that we strike the part that says this proposed law shall not go into effect.

Well, why? Because, she says, having been subjected to this fire storm, the mayor and the council have learned and they have made public statements that they intend to do this and the mayor has made a public statement, indeed he has done so to me in writing, that he intends to do a pocket veto of the bill.

Now, that legislation was passed by the D.C. Council a couple of weeks ago, and he has had an opportunity to veto this legislation. He has had the opportunity. He could just take it, write veto, and it is vetoed. And then what is left for us to do?

Instead, he said he wants to use a procedure that drags it out, that gives them, I think it is about 10 business days or so, that may ultimately result in vetoing that legislation which so many people find so offensive, but he has not done it yet. We are dealing with the here and now. We are talking about the current circumstances, which is that this provision is alive, and people want to look to us and they say, "We don't want you to demonstrate the disregard for religious convictions and beliefs of people of faith in this country that was demonstrated by the Council in the District of Columbia." They want to make sure that we take action to show which side we are on on this issue.

If we do not use our opportunity to disapprove it, who are we siding with? The mayor could veto this bill, the bill that was passed by the D.C. Council. He could veto it. He has chosen not to do so. He has said he will do it with a pocket veto in the future. I believe him.

Nevertheless, right now it is a live issue. And since a live issue is before us and people in the District government knew the basic schedule of when this bill would come to the floor, they could have taken action before it got to this point. They have not chosen to do so. The D.C. Council could have gotten together and said, we rescind, we take back what we did. They have not done that. They have had time to do it. They have not done it. People want to know where we stand. I believe that we, under the situation as it exists now, should not accept this amendment, we should oppose it, but certainly we look forward to the future when the D.C. Council and the mayor will actually take action, not just say they are going to do something but will actually take action to fix this situation.

Mr. Chairman, I would like to include a letter from the National Conference of Catholic Bishops and printed excerpts from D.C. Council proceedings on this issue.

NATIONAL CONFERENCE OF
CATHOLIC BISHOPS,
Washington, DC, July 25, 2000.

To Hon. ERNEST ISTOOK, JR.

DEAR MEMBER OF CONGRESS: As the House of Representatives considers the District of Columbia appropriations bill for Fiscal Year 2001, I write to explain the need for strong conscience protection in the bill's provision on mandated contraceptive coverage.

As approved by committee, the bill prevents implementation of the D.C. City Council's proposal to force all employers in the District of Columbia, to buy coverage for a broad range of contraceptives and abortifacient "morning-after" drugs for their employees. The bill also expresses the intent of Congress that any future D.C. legislation on this issue include a conscience clause that "provides exceptions for religious beliefs and moral convictions."

On the House floor there may be an effort to delete or weaken this provision, possibly by deleting conscience protection based on moral convictions. Congress should reject such a change.

We object to a government mandate for contraceptive coverage generally. At a time when tens of millions of Americans lack even the most basic health coverage, effort to mandate elective drugs and devices which raise serious moral problems and can pose their own health risks are misguided. In addition, any such mandate will cause needless injustice if it does not provide full protection to those who object for reason of conscience. This is so for several reasons:

Narrow Language Protecting only Churches Is Inadequate. City Council members who strongly favor the contraceptive mandate offered a conscience clause protecting only "religious organizations" when they approved their bill July 11. But they defined a "religious organization" so narrowly that it would exclude hospitals, universities, religiously affiliated social service agencies such as Catholic Charities, and even Catholic elementary schools. An organization could qualify for exemption only if its "primary purpose" is the "inculcation of religious beliefs"—and as a Council member observed, Catholic schools teach subjects other than religion. The Council also would have assessed a fine against each religious organization claiming an exemption; the fine would defray the costs of investigations by the D.C. Insurance Commissioner to ensure that the organization is "religious enough." Council

members who support genuine conscience protection rightly declined the offer of "protection" framed in this way. A vague requirement to protect only "religious beliefs," however, may invite renewed mischief of this kind.

Moral Concerns and Abortifacient Drugs. The D.C. mandate requires coverage of all prescription drugs and devices approved by the FDA for contraception, including, what the FDA calls "postcoital emergency contraception." Aside from specifically religious concerns, there is broad agreement that such drugs often work by destroying an early human embryo. This raises moral concerns about early abortion which transcend any particular religion. Congress itself bans federal funding of experiments that harm or destroy human embryos in the first two weeks of life—a sound moral decision based on no one religious belief. Congress should not deny the same right of morally based decision making to others.

Federal Precedent on Rights on Conscience. Numerous conscience clauses in federal law protect conscientious objection based on both religious and moral grounds, in contexts ranging from capital punishment to abortion and sterilization. Many state laws are similarly broad. These are based on a sound understanding that forcing someone to engage in activity that violates his or her deeply held conscientious beliefs is a violation of human rights and an abuse of government. Clearly, not all conscientious moral convictions are based on religious belief. Indeed, Congress protects medical residency programs from being forced to provide abortion training regardless of whether their opposition is morally based, because abortion is simply not the kind of practice which anyone should be forced to participate in for any reason. Current protections against forced participation in abortion and sterilization also extend to organizations as well as individuals. To retreat from this tradition now in favor of narrower and more grudging protection restricted to religious belief alone would send an ominous signal regarding the U.S. government's respect for rights of conscience.

Protecting Individuals' Conscience Rights. By mandating prescription contraceptive coverage in health plans, the government increases the pressure on individual physicians and pharmacists in these plans to violate their own consciences. Even without a government mandate, pharmacists' careers have been endangered when they refuse on moral grounds to fill prescriptions for abortifacient "emergency contraception" (see J. Allen, "Morning-after pill" battles flare: Patients, doctors, druggists in birth-control tug of war," Washington Times, May 27, 1997, p. A3). In light of such cases, the American Pharmaceutical Association and other organizations have urged respect for rights of "conscientious refusal" which they do not confine to religious grounds. Codes of medical ethics, as well, generally speak of physicians' right to refuse participation in activities they find immoral or unethical. The federal government has already enacted conscience protection based on both religious and moral convictions for health care personnel in health plans providing coverage to federal employees. It should do no less here, attending as well to employees who could be forced by government to purchase morally objectionable contraceptive coverage or forgo prescription drug coverage altogether.

We believe contraceptive mandates should not be imposed on private organizations. But if some form of mandate is adopted, effective

protection for conscientious objection on both moral and religious grounds should be ensured.

Sincerely yours,

Rev. Msgr. DENNIS M. SCHNURR,
General Secretary.

REMARKS BY DC CITY COUNCIL ON
CONTRACEPTIVE COVERAGE

KATHLEEN PATTERSON (WARD 3)

"It would, in fact, put the District in the role of sanctioning workplace discrimination. . . . If we approve this amendment, we are, as a matter of policy, permitting one particular large and powerful institution to between low income District women and comprehensive health care coverage."

SHARON AMBROSE (WARD 6)

"If some other religion, let's say some other religion that was not quite so large an employer in Ward 5 and in the city in general as is the Holy Roman Church. Let us say another religion, Mrs. Allen's Sunday Morning Worship Service over on K St., SE . . . what if decided it was going to exclude certain employees of its large church kitchen from coverage in its plan. Would that be, would that be OK?"

JIM GRAHAM (WARD 1)

"And you know, I spent years in this city fighting—and let me mention the Catholic Church by name—fighting Church dogma in terms of availability of condoms in this city which prevented, which prevented us have from having an effective program in many instances for the prevention of the transmission of HIV. Now I see on both of these amendments . . . the standard is religious belief, religious belief whether it be bona fide or not. I am very concerned about having religious principles impact health policy . . . what does this mean in terms of domestic partnership? . . . Are we going to say that we are going to defer to Rome in terms of our views on whether domestic partners should be covered by insurance plans that happen to be operated by religious organizations?"

DAVID CATANIA (AT-LARGE)

"I mean, so to suggest that the church is somehow unduly burdened in this society by this minor provision, I think is absurd . . . And, I want to associate myself very strongly with the comments of Mr. Graham on other issues, not only with respect to the teaching of some churches on gay and lesbian issues, but also the role of fighting against the use of contraceptives and role that it has in the spread of HIV, . . ."

KEVIN CHAVOUS (WARD 7)

" . . . And not necessarily this feeling that we should respect the individual religious doctrine of a certain organization. . . . and urge my colleagues to act not just on this nation that we are, and this has nothing to do with the separation of church and state. I mean, we're not imposing our will on any particular religious organization. Again, the question is to what extent should we accommodate those religious organizations that seek to profit off of the public in some way."

JIM GRAHAM (WARD 1)

" . . . we are permitting religious principles to dictate public health policy. . . . There is a difference b/n the words 'tenets' and 'beliefs,' but it is the same thing. It's the same thing. The church will now determine, a particular church will now determine, if, why, whether contraceptives and contraceptive devices will now be available. We're going to turn over the responsibility for these decisions in effect to the pope. . . . Because ROME has determined that this is against the tenets of the Catholic Church and so you're not going to have access to this of the terms of your health care plan . . . My problem of surrendering de-

cisions on public health matters to a church so that religious principles rather than sound public policy can determine whether a contraceptive device is or is not available. . . . The church is homophobic so we have to say, we respect what are homophobic points of view."

b 1630

Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have had it. I have really had it. Why do you see people go to the gallery, screaming at the top of their lungs, something I do not encourage now and did not encourage then, it has a lot to do with what we have just heard.

A mayor of the District of Columbia who has credibility with every Member of this body has indicated in writing and publicly on television that he will pocket veto a bill, and the reason he is going to pocket veto the bill is because if he just vetoed it in the face of the council, then it would be hard of him to bring the Catholic Church, and he is a Catholic, together with his council.

He has indicated publicly, this mayor, who has all the credibility in the world, that he is going to do what this chairman has asked him to do. The mayor has asked me to accept the language this chairman has written and this chairman has just gotten up and said that that is not enough. We, in the District, are damned if we do and we are damned if we try to do what we say do.

A pocket veto from a mayor who is trying to do what you say do should be all you need when he has accepted the language that we asked him to accept and when he is working with his own Catholic Church, and they have agreed to work with him and they have agreed not to come here to ask us to do another thing, we ought to declare victory and go home.

I am insulted by the fact that you would not accept my amendment by how hard my mayor and my city council have worked. You have cast aspersions on their credibility. You have indicated that the mayor had nothing to do with the debate in the council, it will never be enough for you.

You have two more bites at the apple. Supposedly he is a liar, and that is what you called him today. Supposedly he is a liar. You need to have a veto. You need to make it almost impossible for him to bring the sides together by putting a veto in his face. Supposedly he is a liar.

You still have two bites at the apple by rubbing the city's nose in it, time and time again. Patience is running out with this body. I resent what the gentleman has done, and I want you to know it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of

frustration and unfairness would react in the same passionate manner.

She is defending, not only her constituents but a process, a democratic process, that she believes in that caused all of us to get into public service, and the fact is, she is right, Madam Chairman. The mayor of the District of Columbia said he is going to pocket veto this bill. We have to believe the mayor, I cannot believe any of us do not believe that he is going to do that. So if we believe he is going to do that, why are we doing this?

He is going to insist that there be a religious exemption clause. People that have moral objections are going to be able to raise them. So why are we doing this, putting this offensive language in this bill? Just to show that we are more powerful than them, just to show them. She is right. This is wrong.

Now, let me also say it is wrong for insurance companies to cover viagra for men and not cover contraception for women. Let us just tell it like it is. What could be more unfair? All this contraceptive equity provision says is that insurance companies ought to be fair and start respecting women, when contraception is the largest single expense, out-of-pocket expense, for women during most of their lives. It ought to be covered.

So it is the right legislation. They should have passed this legislation, and it is also true that most of these Catholic institutions are self-insured. It does not even apply to them. They are self-insured.

Let me also say something else. I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, I understand the sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council on this matter.

He expressed disappointment with the Catholic church as an institution because of its position towards homosexuality. That is his right. So I do not blame him for that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

The gentlewoman from the District of Columbia (Ms. NORTON) is absolutely right. The mayor is going to take care of that situation. Let him take care of the situation. He will be held accountable. He should be held accountable. He

is elected. He understands it. He has a solution for it, and that is the way it should be, and what we are doing on this floor is not what should be done by this Congress. Madam Chairman, I gather we are going to continue this debate tomorrow.

Ms. NORTON. Madam Chairman, I reserve the balance of my time.

Mr. ISTOOK. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, although I think everyone wants to continue the debate tomorrow, I do find it necessary to take at least 30 seconds, because I think a couple of things need to be said.

I certainly would not endorse and extend the attacks on the Catholic Church or any other church, whether the gentleman from Virginia (Mr. MORAN) wishes to do so is his free speech right. I fear that he has added fuel to the fire rather than trying to suppress it.

In response to the gentlewoman from the District (Ms. NORTON), I said clearly, and I will repeat it, the mayor said in writing to me that he intends to do the pocket veto of the bill, and I believe him. That does not change the fact that it has not been vetoed; it remains a live issue where people expect this Congress to do something. It is a live issue until such time as the veto has indeed occurred.

Madam Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I rise in support of Representative NORTON's Amendment because I am concerned about several of the provisions in the "General Provisions" section of this bill. Specifically, I object to discriminatory riders targeting the District's lesbian and gay people, and people living with HIV/AIDS.

Approximately half of all new HIV infections are linked to injection drug use, and three-quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDs deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African-Americans aged 25–44 in the District. In spite of these statistics Republicans have singled out the District and attempted to shut down programs that the local community has established to reduce new HIV infections. This Congress should be supporting the decisions that local communities make about their health care. Giving local control back to the American people has been a major theme of the current Congress, and interfering with District self-government is contradictory to that goal.

Numerous health organizations including the American Medical Association, the American Public Health Association, and the National Alliance of State and Territorial AIDS Directors have concluded that needle exchange programs are effective. In addition, at my request the Surgeon General's office has prepared a review of all peer-reviewed, scientific studies of needle exchange programs over the past two years and they also conclusively found

that needle exchange programs reduce HIV transmission and do not increase drug use.

I also object to the provision in this bill that prevents the Health Care Benefits Expansion Act from being implemented. The District passed this legislation eight years ago to allow District employees to purchase health insurance for a domestic partner, take family and medical leave to care for a partner, and visit a hospitalized partner. This legislation provides basic, fundamental health care rights that all Americans should enjoy regardless of sexual orientation.

Over 3,000 employers around the country, including hundreds of cities, municipalities, private and public college and universities, have established domestic partnership health programs. A list of these firms includes almost a hundred Fortune 500 companies, including some of the biggest, like AT&T, Citigroup, and IBM. These companies understand the benefits of offering these programs in today's competitive work environment.

Cities such as Atlanta, Chicago, Los Angeles, San Francisco, and New York all have domestic partnership benefits in place. Congress has taken no action to block any of the domestic partnership benefits provided by hundreds of municipalities throughout the nation.

Gay and Lesbian Americans in the District of Columbia and across the country make significant contributions to our society and their relationships, in the community and in the workplace, should be treated with respect. I urge my colleagues to support the Norton Amendment.

Mr. ISTOOK. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mrs. Morella, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

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MOTION TO GO TO CONFERENCE
ON H.R. 4205, FLOYD D. SPENCE
NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, by direction of the Committee on Armed Services and pursuant to clause 1 of rule XXII, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPENCE moves that the House take from the Speaker's table the bill H.R. 4205, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I look forward to going to conference with the Senate and bringing back an agreement that can be supported by all of my House colleagues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY
MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. TAYLOR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents, of the House bill.

The SPEAKER pro tempore. Pursuant to rule XXII, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct conferees would instruct the House conferees to retain the House-passed provisions of the bill that make Medicare subvention for our Nation's military retirees permanent and nationwide.

I think in May when the House voted on this we finally took a historic step in fulfilling a promise that has been made by recruiters across our country for decades, those recruiters were wearing the uniforms of the United States of America; they were in Federal buildings. They promised young, unsuspecting 17-year-olds, 18-year-olds, and 19-year-olds that if they enlisted in our country, if they served their country honorably for 20 years, they would be given lifetime health care in a military installation.

Mr. Speaker, as a result of the Defense drawdown and as a result of shrinking Defense budgets, the Department of Defense was unfortunately left with no other choice but to start asking military retirees who have attained the age of 65 to go out and see a private sector doctor and have Medicare pay the bill.

After going to the same hospital since they were 18 years old or 19 years old, you can imagine how angry they were, because they had kept their promise to our Nation, and our Nation did not keep its promise to them.

It is said when a politician breaks his word, shame on him; but when a Nation breaks its word, shame on all of us.

In May, the House took what I thought was the unprecedented step of making lifetime health care for military retirees, for the first time it will be treated the same as Medicare and Medicaid and that that money will be there every year and not subject to an annual appropriation.

Mr. Speaker, I was very pleased to have a number of people helping on that, Democrats and Republicans from all parts of our country, in an united effort that just passed the House by 400 votes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), one of the Members that helped make this possible.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for granting me this time, and I urge my colleagues to support the motion to instruct conferees that has been offered by the gentleman.

The motion directs the House conferees to maintain the House position in conference on expanding and making TRICARE Senior Prime permanent.

b 1645

As you may recall, on May 18 during consideration of H.R. 4205, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, the House overwhelmingly voted 406 to 10 to make permanent TRICARE Senior Prime, more commonly known as Medicare Subvention. The House sent a clear signal that Medicare Subvention should continue to be available to our Medicare-eligible military retirees and their families. Expansion of permanent authority for Medicare Subvention is a vital step toward fulfillment of the commitment made to our career men and women in uniform who were promised access to health care services for life.

We made a promise to take care of those who served their Nation with distinction for 20 years or more. We must keep that promise. The motion to instruct conferees to retain the House position will help to ensure access to medical care for Medicare-eligible military retirees.

By spreading TRICARE Senior Prime to military hospitals and making the program permanent, we will begin to meet our promise. Medicare Subvention is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities. Military retirees and their dependents that participate in the program are very satisfied with the quality of health care they receive. In fact, there are many retirees and their family members in the current test areas that have been placed on a waiting list because military treatment facilities cannot take more patients at this time.

As I have stated before, this is the year of military health care. As the ranking member of the House Committee on Armed Services, I focused on

the need to improve access to health care services for men and women in uniform, particularly for our Medicare-eligible retirees. Retention of TRICARE's Senior Prime is the first important step in meeting our moral obligation to provide access to quality health care for our military retirees and their families.

Mr. Speaker, I urge my colleagues to support this motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion by the gentleman speaks to a provision that passed this House by an overwhelming vote of 406 to 10 on May 18. I supported the provision at the time, reflecting my strong support for addressing the health care crisis afflicting our over-65 military retiree population.

Since that vote, the Senate, the other body, adopted a differing proposal to accomplish the same objective that in turn will form the basis for negotiating between our two bodies. Given the strong support in both Chambers for each of these provisions, it is clear to me that the conference will bring back an agreement that goes a long way toward addressing this legitimate and pressing priority.

Accordingly, I will support and urge my colleagues to support the gentleman's motion as a further affirmation of the bipartisan and bicameral commitment to address the unacceptable situation facing our military retirees.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I certainly welcome the support of the gentleman from South Carolina, a person who has served our country all the way from a paratrooper to the chairman of the Committee on Armed Services.

Mr. Speaker, in the bipartisan spirit in which we passed this amendment and hope to keep this amendment in the bill in the final form, I yield such time as he may consume to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I am very pleased to rise in strong support of the Taylor motion to instruct the conferees.

I have seen the recruitment brochures from a number of years ago when those who are now our seniors were recruited. The recruitment brochures promised them and their family lifetime care in a military facility. We have broken that promise, and we are paying a heavy price for having broken that promise.

Three of the services are now unable to meet their recruitment goals, and that is partly because when prospective enlistees confer with their father or their uncle or their grandfather, they frequently get the advice that "I am not sure that you can believe what they are telling you, because they did not keep their promise to me."

We are having problems with retention for exactly the same reason, because our young men and women in the military are not sure that what we have now promised them is going to be there after they retire because we have broken our promise to their elders.

What Medicare Subvention does is to permit our retired military people, who either with great difficulty or not at all, can now get health care in a military facility. For those who have not been in the military or worked for the military and lived in a military community, they cannot understand the sense of community that these people have, how important it is that they continue to get health care where they have gotten it all their life, in a military facility.

We have had a demonstration project which has been very successful, and what the legislation now in conference does is simply to make this universal and permanent. It is the right thing to do, and the benefits we are going to accrue from this are enormous compared to the modest cost, because the cost should be very, very modest, because Medicare Subvention assures that the money is going to be there.

What this does is to help us in recruitment and help us in retention. Even if there were a meaningful cost, I think that that cost should be more than justified by the benefits that we are going to have in recruiting and keeping our young people in the military.

This is the right thing to do. My only regret is that we did not do it years ago. But we are doing it now. So let us make sure that our conferees understand that we want them to hold with the position that we voted so overwhelmingly here in the House.

Again, I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his commitment to this cause.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the promise for veterans health care has been 58 years, 58 years. The subvention bill was not written by DUKE CUNNINGHAM; it was written by my constituents in San Diego, California.

I was the originator of this subvention bill. Why? Because nothing was being done for our veterans. TRICARE, if you live in a rural area, is a Band-aid and does not serve. Subvention, if you live in a rural area, my bill is a Band-aid if it is not controlled.

I am going to support this. Even though it was in my bill, I have concern. Subvention, TRICARE, FEHBP, like civilians have, if you take a civilian secretary that works alongside a major or lieutenant commander, when they retire they get a government health care plan that supplements their Medicare. The military worker does not.

There is a board already formed looking at what is the most universal way that we can provide this health care;

and whatever that is, I would hope that this House and the other body will come together to provide whatever is needed, whether it is a combination of TRICARE, a combination of subvention, or FEHBP. I do not feel that subvention is an end-all for our veterans, and I would hope that we come together on that.

I would also tell my colleagues there was another promise. My colleague, the gentleman from California (Mr. FILLNER), is working on it, as I am. A promise was made to our Filipinos in World War II on that health care. It has not been completed, and I would hope that this body and the other body would act on that as well.

Mr. Speaker, I want to commend the gentleman for what he has done. I still have concern that it may in some way, down the line, if we do not come together, negate what we could do in totality for our veterans. I would like to work with the gentleman to make sure that that comes to fruition.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. CUNNINGHAM) for his assistance on this. As the gentleman pointed out during the previous debate, he was truly one of the founding fathers of the idea of subvention. And I do not claim to have invented it; I just think it is a heck of a good idea.

For the public who may not quite understand what we are trying to do, we are trying to fulfill the promise of lifetime health care to our Nation's military retirees, a promise made to them. We are trying to do it in a way they are comfortable with. They have been going to military treatment facilities for most of their lives, and they are justifiably angry that upon hitting the age of 65 they are being turned away from those treatment facilities, when they have been promised they could use that facility, they and their spouse, for the rest of their lives.

It is also something that we did not point out in the first debate, but if you look on the pay stub of the people who serve in our Nation, on their tax form they pay into the Medicare Trust Fund, just like every other American. So the question is, should not they be allowed to take that Medicare that they have contributed to and use it in the hospital that they wish to go to? That is the hospital on a military installation.

Let us give them the choice that every other American has been having, to go to the private sector. Let us let them go to the hospital that they want to go to. We know that we can save money.

The Treasury report that came out just a couple of days ago showed that the Nation, despite the talk of unprecedented surpluses, really had to borrow \$11 billion from other trust funds thus far this year. There is not a lot of money laying around. But we know

that with Medicare Subvention, that we can treat these same people for 95 cents on the dollar of what we would have paid a private sector doctor for the exact same treatment. So we are going to let them go to the hospital they want to go to. They have not only paid into the system with their taxes, but paid into the system with at least 20 years of dedicated service to their Nation. They deserve it.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Mississippi for yielding time, as I thank the chairman of the Committee on Armed Services.

This is an important motion to recommit, to make sure that those who serve on the conference understand that the House, as the chairman of the Committee on Armed Services said, almost 100 percent said that we want to make sure that our retirees who are 65 years and older will have adequate health care.

I want to thank the gentleman from Mississippi, because I know he has been fighting this issue for a couple of years, and I was delighted along with other Members from the Republican Party as well as the Democratic Party to be part of his amendment.

Mr. Speaker, I have 77,000 retired veterans in my district. I have about 13,000 retired military retirees. I have three military bases: two Marine, Camp Lejeune and Cherry Point Marine Air Station; and Seymour Johnson Air Force Base. Since I have been in Congress, for approximately 6 years, I can tell you from day one, the biggest issue has been health care for our veterans and our military retirees.

I think we have made some great progress in the last 6 years to speak to this issue, because as has been said by the gentleman from Mississippi (Mr. TAYLOR) and by the gentleman from South Carolina (Chairman SPENCE) and others, the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Maryland (Mr. BARTLETT), those men and women who have served this Nation, whether it be wartime or peacetime, certain promises were made to them, and if you cannot look to your government who made that promise to keep that promise, then there is a big problem; and in the eyes of many of our men and women who have served this Nation, the Government has not kept its promise.

I want to thank again the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from South Carolina (Mr. SPENCE), because we are keeping that promise now; and this amendment by the gentleman from Mississippi (Mr. TAYLOR) was certainly a great step forward, as it deals with those who are reaching the age of 65.

Many of our veterans and retirees are like all of us, with the better quality of life and health care, we are living to be in the seventies and eighties, and these

men and women were made a promise, and the promise should be kept.

So I strongly support this motion to instruct conferees as it relates to the Taylor amendment, because this issue of Medicare Subvention is with us, and we have to do what is right for those men and women who have served this Nation.

Mr. Speaker, as I start closing down on my comments, it is always brought to my attention back home that we seem to find the monies to send our troops to Bosnia, or we seem to find the money to go to Yugoslavia. I think Bosnia and Yugoslavia both have probably cost the American people about 10 or 11 billion, and yet we have got men and women who have served this Nation that do not have adequate health care.

b 1700

That is what this bill is doing and that is what this amendment by the gentleman from Mississippi (Mr. TAYLOR) is doing. We are finally saying to those who have served we are not going to make them wait any longer. We are going to start addressing this issue of them having adequate health care and we are going to make sure that they have it.

Mr. Speaker, let me quote Abraham Lincoln because he said it better than I could ever say it. He said, "Let us care for him who shall have borne the battle and for his widow and his orphan."

I think that should always be a reminder to those of us in Congress that men and women who have served this Nation in wartime or peacetime, that we made a promise to give them the very best of health care and I want to say to them today that we are taking giant steps to keep that promise.

I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his effort. I want to thank the chairman of the Committee on Armed Services who has been fighting to help those men and women to have the very best health care possible.

I am pleased to support this motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the last point I would like to make is that since the passage of this amendment I have had the opportunity to visit with the surgeon general of the United States Air Force, and I had some concerns that quite possibly the services, if they were not in favor of this idea, could administratively poison it.

I asked him, I said if we can find the money for this will he make it work?

I am not smart enough to remember his exact words, but his sentiments were that he was extremely excited about the idea of being compensated for taking care of 65 and older retirees, something that he has been doing basically out of hide.

The second thing that he was extremely excited about is the variety of health care cases that his doctors will now be able to see and be compensated for because, as he said, and I will never say it as well as he did, cardiologists do not stay very busy when all they are taking care of is 18- and 19- and 20-year-olds; but in order to have them well trained for mobilization, it is important that some of the older retirees are included in this mix so that those people can hone their skills that they are going to need in the event of a national emergency.

So for so many reasons, I think this is a good idea for our Nation. Number one, it is the right thing to do. We are going to keep our promise to those people who kept their promise to us.

Number two, we are going to do it in a fiscally responsible manner.

I think, Mr. Speaker, quite frankly, I am most pleased that in the history of this committee we have tried to do things in a bipartisan manner. I am most pleased that we are going to keep that promise in a bipartisan manner. I very much welcome the remarks of the chairman of the committee. I very much welcome the remarks of gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me this time.

Mr. Speaker, I rise in opposition. The Congressional Budget Office has estimated that this national missile defense system, which is part of this report, will cost \$60 billion to build and deploy. Congress intends to spend \$12 billion in the next 6 years. The SDI Star Wars system has cost the taxpayer more than \$60 billion, and it is estimated that this system though less far-reaching than Star Wars will cost more. We have spent more than \$122 billion on various missile defense systems. We need to reorganize our priorities and look at how we could better use these funds for programs that benefit the poor, seniors, and our Nation's children.

Before the decision is made, three exo-atmospheric intercept tests have been scheduled to determine the system's success rate and reliability to deploy the system, but one of two tests failed. The third test failed miserably as well. Three tests cannot define the technical readiness of the system and serve the basis for deploying a national missile defense.

According to the Union for Concerned Scientists, countermeasures could be deployed more rapidly and would be available to potential attackers before the United States could deploy even the much less capable first phase of the system.

A report by the Union of Concerned Scientists details how easily countermeasures could be used against this system and would not have to use new technology or new materials.

We are the only superpower in the world. The deterrent that we currently have is sufficient. We have thousands of missiles on hand that act as a deterrent. Any attack by another state would not be massive and would not be able to completely destroy our country or our nuclear arsenals. So any attack would leave the United States and its Armed Forces intact.

Our deterrent is impaired only if another state had enough missiles to knock off ours before they launched.

The national missile defense system will simply line the pockets of weapons contractors, spending billions of dollars for a system that does not work and does not protect against real threats. We will undermine our legitimate military expenditures and erode the readiness of our forces.

So who is benefiting from having a national missile defense system? According to The Washington Post, Boeing in 1998 already obtained a 3-year contract for \$1.6 billion to assemble a basic system before the President even decided to deploy the system. The Post states that TRW has contracts for virtually every type of missile defense program. The military industry has the most to gain from a national defense system. According to The Washington Post, Lockheed Martin is the major contractor on theater missile defense with its upgraded version of the Patriot missile and the Army's \$14 billion Theater High Altitude Area Defense system.

Deploying a national missile defense system could politically succeed in setting the stage for a worldwide arms race and dismantle past arms treaties.

The NMD violates the central principle of the ABM treaty, which is a ban on deployment of strategic missile defenses. It will undermine the nuclear nonproliferation treaty. It will frustrate SALT II and SALT III. It will lead directly to proliferation by the nuclear nations. It will lead to transitions toward nuclear arms by the non-nuclear nations. It will make the world less safe. It will lead to the impoverishment of the people of many nations as budgets are refashioned for nuclear arms expenditures.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the lessons I had to teach myself was that almost every Member of Congress represents about 600,000 people. Even those people I disagree with, everybody in this floor was elected by a majority of the voters and I am going to respect their ability to say what they want to say.

I would like to remind the gentleman from Ohio (Mr. KUCINICH) that the matter at hand is health care for our Nation's military retirees. This is a motion to instruct the conferees to stick to the House-passed provisions of the bill, provisions that I think greatly improve health care for our Nation's military retirees; a much better package than the other body.

At this moment we are instructing our conferees to stick to what I think is the better language of the two. It really has nothing to do with missile defense.

Mr. Speaker, again, it is always to be a position to be envied when one has their chairman and ranking member with them and most of their subcommittee chairmen with them.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OLIVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

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TWENTY-FIRST ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Twenty-first Annual Report of the Federal Labor Relations Authority for Fiscal Year 1999.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 26, 2000.

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EDUCATION DEPARTMENT'S MIS-MANAGEMENT OF TAXPAYERS' MONEY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, I am here on a personal crusade. I came to Congress because I have got five children and I care about their school. They are getting ready to go back to school in August.

A couple of things disturb me, Mr. Speaker. The Department of Education contract employees, some of them,

pleaded guilty to participating in a scheme to defraud the Department of more than \$1 million in equipment and false overtime. They illegally procured equipment, including a 61-inch television set, digital cameras, and Gateway computers for the personal use of Department employees and their families.

That is not all. Another fraudulent overtime claim includes a trip to Baltimore to pick up crab cakes for another Department employee. Two more Department employees were recently charged by the Department of Justice with involvement in this scandal, and as many as four other Department employees remain under investigation.

In 1998, the Department could not even audit its books, they were so badly managed. In 1999 when they did audit their books, they got a D minus.

Republicans have a different idea. We want to get dollars to the classroom and out of that bureaucracy over there.

Mr. Speaker, unbeknownst to all but Beltway bureaucrats and a handful of reform minded Members of Congress, the U.S. Department of Education has failed its last two financial audits.

The nationally known and respected accounting firm Ernst and Young has attempted, for fiscal years 1998 and 1999, to determine if the Department of Education has spent the money sent to it by Congress appropriately and lawfully.

The sad truth is, we just don't know. The Department's books were un-auditable for FY 1998. This means the auditors couldn't even form an opinion on the state of the Department's books, let alone say whether those books were balanced and accurate.

In FY 1999, the Department received a grade equivalent of a D-. This means the auditors could put the books together into some sort of coherence, but not well enough to give the Department a passing grade in Accounting 101.

According to the auditors, if a private company received the same results the Department did on its FY 1999 audit, its stock would plummet. A real life example of this is MicroStrategy, whose stock, on the day a critical and unfavorable audit was announced, fell 62% and unleashed a slew of investor lawsuits.

Sadly, no one really knows when the Department will be able to receive a clean audit.

So, Mr. Speaker, what does this really mean to taxpayers—parents—and children? A few recent incidents illustrate the effects of this financial mis-management.

A Department of Education contract employee pleaded guilty to participating in a scheme to defraud the Department of more than one million dollars in equipment and false overtime. Illegally procured equipment included a 61 inch TV, digital cameras, and Gateway computers for the personal use of Department employees and their families.

However, that's not all. Among the fraudulent overtime claims was a trip to Baltimore to pick-up crab-cakes for another Department employee.

Two more Department employees were recently charged by the Department of Justice with involvement with this scandal, and as many as four other Department employees remain under investigation.

Earlier this year, 39 students were incorrectly notified by the Department that they had won the prestigious Jacob Javits scholarships. The cost of the mistake? Nearly \$4 million dollars.

The theft ring and mis-identified students may only be the tip of the iceberg. Who knows what other kinds of waste, fraud, abuse and mismanagement might be taking place right now because of the inaction of the AL GORE and Education Secretary Riley?

For example, in one academic year alone, \$177 million dollars in Pell Grants were improperly awarded, and the Department forgave almost \$77 million in student loans for borrowers who falsely claimed to be either permanently disabled or dead.

The Department of Education also maintains a "grantback" account which at one time contained \$750 million. Not surprisingly for an agency that cannot pass a basic audit, most of this money didn't really belong there. So far, the Department has been unable to explain exactly where the money came from, where it went, or why it came and went.

Is a clean audit an unreasonable goal for a federal agency? Bureaucrats would have you believe it is, but we all know it isn't. In fact, businesses large and small comply with this simple measure of fiscal responsibility every day. Any business owner will tell you the importance of a clean audit to maintain the confidence of investors and customers and to prevent waste, fraud and abuse.

The Department has failed to address its financial management for eight years running. Inaction has consequences and our children are paying the price. Fortunately, Republicans have responded to this inexcusable waste of hard-earned taxpayer money devoted to support the education of American children. We have held numerous oversight hearings, continue a rigorous investigation and passed a bill requiring a comprehensive fraud audit of the Department by the General Accounting Office.

We know what needs to be done. Until it is, the taxpayers' investment in the education of American school children will not reap anything close to maximum return.

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OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JULY 25, 2000 AT PAGE H-6853

(The following addition to the statement of the gentleman from Wisconsin (Mr. RYAN) was omitted from the CONGRESSIONAL RECORD of Tuesday, July 25, 2000 at page H6853.)

Mr. Speaker, H.R. 4924, the "Truth in Regulating Act of 2000," is a bipartisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the last few years by Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, Sue Kelly.

The most basic reason for supporting this bill is Constitutional: Just as Congress needs a Congressional Budget Office (CBO) to check and balance the executive Branch in the budget process,

so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by David McIntosh, held a hearing on Mrs. Kelly's earlier regulatory analysis bill (H.R. 1704), which sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105-441, Part 2). H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, "Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analysis it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations" (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued against creating a new Congressional agency on the basis of fiscal conservatism. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman David McIntosh and Small Business Subcommittee Chairwoman Sue Kelly, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Legislative Branch agency. McIntosh and Kelly introduced their bills in January and February 2000. On May 10th, the Senate passed its own regulatory analysis legislation, S. 1198, the "Truth

in Regulating Act of 2000," by unanimous consent. Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within GAO.

During the 106th Congress, the Government Reform Committee did not hold a hearing specifically on H.R. 4924 but the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled "Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?" At the hearing, Senator SAM BROWNBACK and Representative J.D. HAYWORTH testified that Congress needs to assume more responsibility for regulations. Dr. Wendy Lee Gramm, Director, Regulatory Studies Program, Mercatus Center, George Mason University and former Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB); Alan Raul, partner, Sidley & Austin and former OMB General Counsel; and David Schoenbrod, Professor of Law, New York Law School and Adjunct Scholar, Cato Institute, all affirmed that Congress needs to conduct more oversight of regulations, especially regulatory proposals lacking an explicit delegation of authority from Congress.

Witnesses discussed the need for a CORA function that would assist Congress in assuming more responsibility for agency rules, which now impose over \$700 billion in annual off-budget costs on the American people. Witnesses stressed the need for analytical assistance so that Congress could especially provide timely comment on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account Congressional legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency's proposal.

Dr. Gramm testified that, "there's clearly a need for more and better analysis that is independent of the agency writing the regulation . . . In my view, Congress cannot carry out its responsibilities effectively without such analysis." She continued by recommending, "a shadow OIRA, and that is to perform independent, high-quality analysis of agency regulations at the proposal stage . . . whether or not the agency has considered the different alternatives, what might be other alternatives . . . I would suggest that all this analysis be done at the proposal stage so that this information can be put into the rulemaking record."

On June 26th, Chairwoman Kelly and Chairman McIntosh introduced H.R. 4744, which made several needed improvements to the Senate-passed S. 1198, along the lines sug-

gested by the witnesses at the June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, scope, and content of regulation. In addition, unlike the Senate bill, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing \$100 million or more but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29th, the Government Reform Committee favorably reported H.R. 4744, with a thorough discussion of issues in its accompanying report (H. Rept. 106-772).

H.R. 4924, introduced July 24th, includes only two—or, more accurately, one and a half—of H.R. 4744's improvements to S. 1198: (a) inclusion, within the scope of GAO's purview, of agency rules with a significant impact on small businesses; and (b) a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is "practicable." House Report 106-772 explains the basis for these improvements. Nonetheless, I am deeply disappointed that we could not persuade the Honorable gentleman from California that timely comments on proposed rules are better than untimely or late comments. But, I understand that, in politics, half a loaf—or, in this case, a fraction of a loaf—may still be better than none. H.R. 4924 is, in my judgment, inferior to H.R. 4744, which is itself a watered down version of the complete reform needed to implement Congress' Constitutional responsibility for regulatory oversight. But, it is a step in the right direction. And, it will give reformers something to build upon in the next Congress.

H.R. 4924 is truly a modest proposal. It does not require or expect GAO to conduct any new Regulatory Impact Analyses (RIAs), cost-benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit, small business impact, federalism impact, or any other missing analysis. For example, after the McIntosh Subcommittee insisted that the Department of Labor prepare a missing RIA for its Birth and Adoption Unemployment Compensation ("Baby UI") proposed rule, Labor finally prepared one.

Unfortunately, H.R. 4924 excludes from GAO's purview major rules promulgated by the independent regulatory agencies, such as the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission, which regulate major sectors of the U.S. economy. Since the analyses accompanying rules issued by the independent regulatory agencies are often incomplete or inadequate, this omission is unfortunate and makes the bill less useful than either S. 1198 or H.R. 4744.

Here's how H.R. 4924 works. The Chairman or Ranking Member of a Committee of juris-

diction may request that GAO submit an independent evaluation to the Committee on a major proposed rule during the public comment period or on a major final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, the potential costs of the rule, alternative approaches in the rulemaking record, and the various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedure Act (APA), Congress can comment on agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late Congressional comments cannot be considered by the agency unless all other late public comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did after its proposed "Baby UI" rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolutions of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan's 1981 Executive Order 12291, "Federal Regulation," and President Clinton's 1993 Executive Order 12866, "Regulatory Planning and Review") have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a \$100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in the Food and Drug Administration's proposed rule to regulate tobacco products, which was struck down by the Supreme Court in *FDA v. Brown & Williamson*, or backdoor legislating, such as in the Department of Labor's "Baby UI" rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or non-regulatory alternatives, is to examine non-agency (i.e., "public") data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data

in the course of evaluating agency rules. Although H.R. 4924 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that H.R. 4924 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by the agency to be reviewed. This reading of H.R. 4924 would defeat the whole purpose of the bill, which is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. I say this, notwithstanding the words "where practicable," which some CORA foes hope will ensure that all GAO analyses of proposed rules are untimely and, therefore, worthless. I am confident that, despite the "where practicable" language, GAO will want to please rather than annoy its customers and employers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Government Reform Committee, H.R. 4924 will increase the transparency of important regulatory decisions, promote effective Congressional oversight, and increase the accountability of Congress. The best government is a government accountable to the people. For America to have an accountable regulatory system, the people's elected representatives must participate in, and take responsibility for, the rules promulgated under the laws Congress passes. H.R. 4924 is a meaningful step towards Congress's meeting its regulatory oversight responsibility.

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SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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FARM ECONOMY IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I rise this afternoon to address this Chamber on the topic of the farm economy in the United States and the agricultural policies that we have adopted in Congress.

The 1996 farm bill, generally called the Freedom to Farm Act, has been effective in one respect, and that is it has given farmers flexibility to plant what they are interested in raising and not be tied as closely to particular commodities by the design of the farm bill itself.

Unfortunately, the Freedom to Farm Act has become a freedom to fail act, and we have farmers that are exiting

from farming at a record rate. We have prices for commodities in this country that have dropped to levels that are as low as they have been in 100 years, if we adjust for inflation. We constantly hear about the plight of those who were producing oil and now we have gasoline at \$1.50 to \$1.75 a gallon throughout the country.

Well, if farmers had seen their prices go up without any adjustment for inflation, they at least would be paying \$2.50 for corn, \$3.00 for wheat, and higher amounts for other products. Tragically, in the United States, in the midst of a very robust and healthy and growing economy, one sector of the American economy that is hurting severely is agriculture. So I am pleased to announce that today I have joined with my colleague, the gentleman from North Dakota (Mr. POMEROY), and we have introduced legislation that is the Family Farm Safety Net Act of 2000.

The purpose of this legislation is to provide an outline or guide to the type of prices that are necessary in order to enable a farm to survive in the United States.

Since 1996, we can see what has happened to the prices for corn, wheat and soybeans. Prices have dropped precipitously. In 1996, corn was at \$2.71 a bushel. Here we are in the summer of the year 2000, corn is roughly half that price at most of the elevators in the Midwest.

b 1715

The drop in the price of wheat has not been quite as dramatic, but it still has come down by roughly \$1.80 a bushel, and the price for a bushel of soybeans has come down by about \$2.50 a bushel.

This certainly is not success in terms of agricultural policy.

In terms of flexibility, we also have a very frustrating situation. This chart shows what has happened in terms of the planting of wheat compared to the planting of soybeans. Soybeans, according to agricultural economists, are favored by the current situation. Wheat, by comparison, is not as advantageous to raise. So as a consequence, we have seen the acreage of wheat, it has been reduced by thousands of acres, and at the same time, the planting of soybeans has gone up by about a corresponding amount.

Mr. Speaker, we need to reestablish parity among the various crops. One way to do this is to take the loan rate for the marketing loans and harmonize the loan rates so that the loan rates for soybeans, for corn, for wheat, barley and other crops are neutral, and at the same time, have the loan rates pegged at a level where America's farmers can cover most of the costs of their operation. So as a consequence, our proposal is to increase the loan rate for corn as an example, to \$2.43 a bushel; the loan rate on soybeans to \$5.50 a bushel; to extend the period of the marketing loan to 20 months; and to include payment limitations, so that this

farm program does not enrich those that are farming tens of thousands of acres, but instead, focuses its benefits and its attention on those farmers that are moderate size, family farming operations.

Mr. Speaker, I submit that this is the track that we need to take if we are going to get American agriculture back on course, and I urge my colleagues to join with the gentleman from North Dakota (Mr. POMEROY) and myself on this legislation.

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TOPICS OF NATIONAL INTEREST

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise tonight to speak on two unrelated, but very important topics of national interest.

CAPITAL PUNISHMENT

Mr. DUNCAN. Mr. Speaker, first, I spent 7½ years before coming to Congress as a criminal court judge, trying felony criminal cases. I tried several death penalty cases, and I think I am the only Member of this Congress who has sentenced anyone to the electric chair.

It is almost impossible, Mr. Speaker, to get a jury to return a death sentence today. Despite polls showing very high support for capital punishment, it is one thing to favor the death penalty, but a much more difficult thing to actually impose it. It is so difficult, in fact, that most prosecutors will not even ask for a death sentence except in the most gruesome, horrible cases; and that is the main point I wish to make today, that juries return death sentences only in extremely brutal, terrible crimes.

In fact, it has been the law in this country for many years that an ordinary, simple murder, if there is such a thing, with nothing more, is not a capital case. To have a case justifying the death penalty, there must be aggravating circumstances that outweigh any mitigating factors, anything sympathetic in favor of the defendant. There have to be multiple crimes or killings, circumstances that make the case especially heinous.

I do not think a death sentence is appropriate except in 1 in 1 million very rare, very unusual kinds of cases. But I do believe that there are cases which are so gruesome, so horrendous that a death sentence is the only appropriate punishment. Those who oppose the death penalty should ask themselves, would they oppose it if their daughter or wife or sister was brutally raped as her three small children watched and then all were strangled to death, an actual case.

The media does a great job gaining sympathy for those who are about to be put to death. I wish they would do just as good a job describing the sickening details of the murders that have been

committed, even if almost shockingly, a prosecutor can get a rare, unusual jury to return a death sentence, the trial judge sits as the 13th juror and must later approve the verdict or grant a new trial or sometimes a lesser sentence. Following the trial judge, both State and Federal appellate courts review the case. Usually at least 30 or 40 judges review a death sentence before it is carried out, and many of these judges are philosophically opposed to the death penalty. There seems to be a real drum beat in the media to do away with capital punishment.

I urge my colleagues and others to look very closely at this before they jump on this particular band wagon.

SHORTAGE OF TEACHERS IN AMERICA

Mr. DUNCAN. Secondly, Mr. Speaker, another important, but unrelated issue of national concern is the impending teacher shortage. This is a very artificial, political government-produced shortage. It has come about only because the teachers' unions and colleges of education want to drastically restrict and limit and control the number of people allowed to teach in the Nation's public schools.

If a person with a Ph.D. and 30 years of experience, say a chemist, wanted to teach after working for years for the Government, he cannot do so under the rules in most States today. If a small college went under and a professor with 25 years of teaching experience, let us say a professor of English, wanted to move to a public school, he could not do so in most States today. If a very successful businessman wanted to teach for a few years as a way to contribute back to society, he could not do so today, despite all of his great wealth and success and experience. Why? Because they would not have the required degrees in education.

So school boards are restricted to hiring 22-year-olds with no experience because they have taken a few education courses over people with Ph.D.s and great experience and success and knowledge who have not had the education courses. This makes no sense at all at any time, but it is crazy in a time when there is or is about to be a teacher shortage. School boards should never hire an unqualified teacher, but they should be given the flexibility and freedom and power to hire people who have great knowledge or experience or success in a particular field, even if they have never taken an education course. If they could do this, there would be no teacher shortage in this country. There are hundreds of thousands of experienced, well-trained, well-educated people with degrees and even graduate degrees who have not taken education courses, but who could and would make great teachers, if only government regulations would give them the freedom and opportunity to do so.

HIV/AIDS, THE WORLD'S DEADLIEST DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, today I rise to discuss one of the most challenging and life-threatening public health issues facing the global community, HIV infection and AIDS. I will also highlight significant actions our government and fellow Americans have taken to combat this threat.

HIV/AIDS is now the world's deadliest disease with more than 40 million persons infected worldwide. Not surprisingly, the pandemic affects the most vulnerable citizens of our global community. In fact, nearly 95 percent of infected persons live in the developing countries, with sub-Saharan Africa being the hardest hit of any other region in the world.

The statistics are startling. New HIV infections in Africa have numbered more than 1.4 million each year since 1991. That is an average of more than 3,800 new HIV/AIDS infections per day. Nearly 6,000 will die within this same time frame. Mr. Speaker, 23.3 million adults and children are infected with the HIV virus in the region, which has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

Life expectancy in these nations has been reduced by the disease to between 22 and 40 years. Some sub-Saharan African countries could lose as much as a third of their adult population by 2010, and 16 African countries have an HIV infection rate of more than 10 percent. South Africa is 20 percent, Zimbabwe and Swaziland are at 25 percent; and in Botswana, which has the highest infection rate in the region, 36 percent of adults are HIV infected.

When I hear these daunting statistics, I am reminded of a quote by John F. Kennedy. He said, "Mankind must put an end to war, or war will put an end to mankind." HIV/AIDS and its death toll have declared war on our humanity. We must fight back. All sectors and all spheres of society have to be involved as equal partners in fighting this assault. The health sector cannot meet this challenge on its own, nor can one government or nation. It is imperative that we have a collective global effort.

Although I do believe we can do more, I am proud to say that the executive and legislative branches of our government, as well as the private sector, have taken significant steps in that direction. Earlier this month, the U.S. Export-Import Bank extended up to \$1 billion in financing to 24 sub-Saharan African countries to buy anti-AIDS drugs. The financing will be combined with a \$500 million commitment from the World Bank to help these countries purchase reduced-priced drugs, buy medical equipment, and develop specialized health services.

More recently, the gentlewoman from California (Ms. LEE), along with

the gentlewoman from California (Ms. WATERS), the gentleman from Florida (Mr. HASTINGS), and the gentleman from Illinois (Mr. JACKSON), and the Congressional Black Caucus successfully offered an amendment adding \$42 million to the Infectious Disease Account for international HIV/AIDS funding in the House-passed version of the fiscal year 2001 Foreign Operations Appropriations Act. The amendment increased this important funding for HIV/AIDS to the President's original budget request of \$244 million, which is \$190 million over current-year funding.

Additionally, during the 13th International Annual AIDS Conference in Durban, South Africa this month, the Bill and Melinda Gates Foundation announced a round of grants amounting to \$100 million to prevent AIDS in mothers and children, assist AIDS orphans, and relieve suffering in dying patients. Of this funding, a \$50 million grant will go to Botswana, the country in sub-Saharan Africa with the highest HIV infection rate. That will be matched mostly through drug donations by the U.S. Merck Pharmaceutical Corporation.

When the history of this war is written, it will record the collective efforts of societies. Future generations will judge us on the adequacy of our response. I commend the Ex-Im Bank, my colleagues in this House, and the Bill and Melinda Gates Foundation for their compassion and foresight in addressing this issue.

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TENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to comment this evening to this body on the 10th anniversary of the Americans With Disabilities Act.

I want to make a quote: "I now lift my pen to sign the Americans With Disabilities Act and say, let the shameful wall of exclusion finally come tumbling down."

That was spoken by President Bush on July 26, 1990. Mr. Speaker, I rise today to reflect on how far we as a Nation have come since that summer day 10 years ago when I was honored to be an original cosponsor of the Americans With Disabilities Act.

Today, I joined another President and disability advocates at the F.D.R. Memorial, President Franklin Delano Roosevelt Memorial, to commemorate this landmark law.

I want to discuss a little bit what has happened in the decade since its enactment, but I would like to recognize for about 40 seconds the distinguished gentleman from Pennsylvania (Mr. GEKAS), who would like to make a comment.

Mr. GEKAS. Mr. Speaker, I join with the gentlewoman in the celebration of

the moment of the 10 years of good times spent in developing the Americans With Disabilities Act. I was on the committee, as I still am, on the Committee on the Judiciary, when we had the first hearing; and one of the principal witnesses, some may remember, was Attorney General, then Attorney General Dick Thornberg in the Bush administration, speaking for the Bush administration, endorsing the Americans With Disabilities Act, and bringing into play not only his personal and professional endorsement of it for the Bush administration, but also because he himself as a father has undergone problems in the family with people with disabilities.

So we had a merging, during that committee, of all of the elements that are necessary to make the Americans With Disabilities Act work, namely, that the administration, whatever administration it is, always is behind it; number two, that spokesmen for the administration now and in the future will be developing programs with the Americans With Disabilities Act; and, third, to recognize that members of our own families and neighbors and friends are all subject to the benefits of the Americans With Disabilities Act.

I thank the gentlewoman.

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Mrs. MORELLA. Yes, Mr. Speaker, in the decade since its enactment, the ADA has changed the social fabric of our Nation. It has brought the principle of disability civil rights into the mainstream of public policy. In fact, the law, coupled with the disability rights movement, has fundamentally changed the way Americans perceive disability.

ADA placed disability discrimination alongside race gender discrimination, and exposed the common experiences of prejudice and segregation, and provided a cornerstone for the elimination of disability discrimination in this country.

The passage of ADA resulted from a long struggle by Americans with disabilities to bring an end to their inferior status and unequal protection under law. It is well documented the severe social, vocational, economic, and educational disadvantages of people with disabilities.

Besides widespread discrimination in employment, housing and public accommodations, education, transportation, communication, recreation, I could go on, institutionalization, health services, voting, and access to public services, people with disabilities faced the additional burden of having little or no legal recourse to redress their exclusion.

Mr. Speaker, over the past decade, ADA has become a symbol of the promise of human and civil rights. It has brought change and access to the architectural and telecommunications landscape of the United States. It has created increased recognition and understanding of the manner in which the

physical and social environment can pose discriminatory barriers to people with disabilities.

I want to point out that we have been making some strides. My Subcommittee on Technology passed and allows Congress significant assistive technology which was included in the budget. Just last week, a commission on the advancement of women, minorities, and persons with disabilities in science, engineering, and technology established under my legislation in the last Congress did a roll-out of their recommendations. We are hoping to pull together a public-private partnership so that we can give more access and opportunity to persons with disabilities.

ADA is not self-acting in ensuring its provisions are fully enforced.

The Federal Government commitment to the full implementation of ADA and its effective enforcement is essential to fulfill the law's promises. Although this country has consistently asserted its strong support for the civil rights of people with disabilities, many of the Federal agencies charged with enforcement and policy development under ADA, to varying degrees, have been overly cautious, reactive and lacking any coherent and unifying national strategy.

Enforcement efforts are largely shaped by a case-by-case approach based on individual complaints rather than an approach based on compliance monitoring and a cohesive, proactive enforcement strategy.

In addition, enforcement agencies have not consistently taken leadership roles in clarifying frontier or emergent issues, issues that, even after nearly 10 years of enforcement, continue to be controversial, complex, unexpected, and challenging.

Mr. Speaker, for ADA to be effective, this needs to be changed.

There is something ADA cannot legislate, and that is attitude. There is a saying with the disability community: "Attitude is the real disability." The attitude toward employment of people with disabilities has to change.

In closing, President Bush said it best at the signing of the ADA. He said, "This Act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard. Independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the right mosaic of the American mainstream." Let us remember that.

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CONGRATULATIONS ON THE RETIREMENT OF GENERAL JOHN GORDON, USAF

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to recognize an outstanding American who has faithfully served our country

for the past 32 years, General John A. Gordon.

General Gordon, who retired from the Air Force earlier this month, was awarded two commendations this morning in a ceremony at the George Bush Center for Intelligence. George Tenet, Director of Central Intelligence, awarded him the National Intelligence Distinguished Service Medal; and General Michael Ryan, Air Force Chief of Staff, awarded him the Air Force Distinguished Service Medal.

John Gordon's Air Force career began in 1968, and his early assignments were in the highly scientific areas of weapons research, development and acquisition. He went on to serve as a long-range planner at the Strategic Air Command. He was then assigned as a politico-military affairs officer at the Department of State. He returned to the real Air Force as commander of the 90th Strategic Missile Wing.

General Gordon also served our country as a staff officer with the National Security Council and in several senior Department of Defense planning and policy-making positions.

Joining the intelligence community late in his career, General Gordon was first appointed as associate director of Central Intelligence for Military Support back in 1996. Following that assignment, he was named Deputy Director of Central Intelligence, the second-highest ranking intelligence officer in the United States, a position he held with great distinction from October of 1997 through June of this year.

His tenure came at a time when the intelligence community was rebuilding in response to new threats to the United States national security that have emerged since the end of the Cold War, things we know as transnational threats, terrorism, weapons proliferation, weapons of mass destruction proliferation, illegal arms sales, narcotics, those types of things. As DDCI, General Gordon worked closely with Congress and the House Permanent Select Committee on Intelligence to improve U.S. intelligence capability and to safeguard sensitive national security information.

General Gordon brought a singular sense of purpose to the Deputy Director's job that was highly valued by those inside and outside the intelligence community.

I would like to point out, despite the fact that he does not have a background in intelligence, John Gordon would have made a great case officer. Last year he took time to sit down with a group of high school students from my district, some of the top students in southwest Florida. After he spoke to them, several were ready to sign up for a career in the U.S. intelligence community; and this comes in an era where many gifted students are leaving school early to earn a fortune in a new digital economy. I think General Gordon has another career out there as a recruiter for Intelligence if he wants it.

From this gentleman's perspective, it was a pleasure to work with General Gordon while he wore the uniform of the United States Air Force. I am sure he will bring the same diligence and professionalism and integrity to his first civilian job as the Under Secretary of Energy for Nuclear Security and the first administrator for the National Nuclear Security Administration. As we all know, our nuclear secrets and weapons abilities will be more secure, and needs to be more secure in places like Los Alamos, with John Gordon as their steward. We look forward to his taking up the reins.

On behalf of the members of the House Permanent Select Committee on Intelligence, I would like to thank General John Gordon for his continuing service to our Nation. I wish John and his wife, Marilyn, and their daughter, Jennifer, all the best for their future. I offer sincere gratitude for the family sacrifices I know have been made to allow General Gordon to commit so much time and energy to distinguish himself in critical 7-day-a-week, 24-hour-a-day top-level jobs that he has done so well. That is a great contribution to our country. It deserves to be recognized.

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PRESCRIPTION DRUG COVERAGE FOR SENIORS TOP PRIORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I appreciate the opportunity to rise today and have an opportunity to speak about an issue that I have come to the floor very frequently to speak about for many, many months now.

I am asking my colleagues to make sure that we place prescription drug coverage for seniors under Medicare as a top priority for us before we leave session this year. Time is running out.

We have the best economy in a generation. We have budget surpluses that we are deciding how to use and how to invest. I cannot think of a more important issue than investing in the future health and well-being of older Americans and families all across the United States.

I have been coming to the floor of the House on a regular basis to speak out and to share stories of constituents of mine, family members, older Americans who have been calling me and writing me.

I set up a hotline back in August of last year and have set up something called the Prescription Drug Fairness Campaign, whereby I have been asking people to share with me their stories, what is really happening in their lives as it relates to the issue of their medications and the high costs of prescription drugs. I have been overwhelmed with the letters and the phone calls that we have received.

I want one more time to be reading a letter this evening on the floor of this

House from one of my constituents in Michigan. This is a letter from Mr. James Schlieger from Flint, Michigan. He writes to me: "My wife Joan has Alzheimer's Disease. In 1999, my out-of-pocket payment for preparations was \$3,020.43. Our other medical expenses were \$3,909.79. Our Social Security income is \$20,252. This leaves us little over \$13,000 to pay our property taxes, utility bills, food, and gasoline and all of our other expenses. Bottom line, there is nothing left to enjoy the Golden Years. With my wife's condition, in a few years, we will have depleted our savings, then we will have to become dependent on government care. Please help us. James Schlieger from Flint, Michigan."

I think we need to help Mr. Schlieger. We need to make sure that our seniors are not using all of their savings to pay for the cost of the health care that they are supposed to be receiving under Medicare.

This Sunday is the 35th anniversary of the day that the Medicare legislation was signed. At the time it was set up, it covered the way health care was provided. The promise was there that, once an American reached the age of 65 or was disabled, they knew that there would be health care available to them.

The difficulties that we have now is that health care has changed. The way we treat people has changed. Instead of it being in the hospital and with operations and inpatient prescription drugs, we are now in a situation where the majority of care is outpatient, is home health care. It almost always involves prescription drugs. So Medicare simply needs to be modernized to cover the way health care is provided today.

There are others who are talking about privatizing. There are others talking about other kinds of approaches. I would urge my colleagues to simply look at a system that the seniors of our country know and trust. It has worked. It just needs to be updated. If we cannot do that now with the best economy in a generation, with budget surpluses and the ability to take a small percentage and invest that back into Medicare to lower the cost of prescription drugs, I do not believe we ever will.

So I call on my colleagues one more time. Let us not let one more senior sit down at breakfast in the morning and decide, do I eat today or do I pay for my medications? That is a choice that older Americans should not have to make.

I am going to do everything in my power to fight on behalf of the seniors of Michigan, to make sure that we modernize Medicare for prescription drugs.

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WHALE KILLING ENDS FOR MAKAH INDIAN TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the Makah Indian Tribe in Washington State has been granted special permission by the Clinton-Gore administration to kill four gray whales each year. They have already killed one whale and injured at least one. By the way, for every whale killed, there is an average of two that are injured and get away.

But last year, I filed an appeal along with several co-plaintiffs to overturn the decision made by the U.S. District Court to allow whaling by the Makah Indian Tribe. Two months ago, a three-judge panel from the 9th Circuit Court handed down a decision in that case. The decision specifically confirmed my position. We won. Whale killing was ended. The only way the Clinton-Gore administration would be able to gain approval for this whale hunt now would be to blatantly violate the Federal environmental protections law.

In fact, the court specifically asked, and I quote from the decision language, "Can the Federal Defendants now be trusted to take the clear-eyed hard look at the whaling proposal's consequences required by law, or will a new (Environmental Assessment) be a classic Wonderland case of first-the-verdict, then-the-trial?"

Alice in Wonderland, indeed. However, in this story, the heads that are being chopped off belong to the majestic gray whales that ply the western coast of America and each year travel north to the Bering Sea and occasionally even to Siberia. Most Americans believe that we have risen above the wanton slaughter of the buffalo for their hides, or the whales for the value of their body parts.

This would have been the first step toward returning to the terrible commercial exploitation of whales of the 19th century. In the papers filed with NOAA by the Makah Tribe, the tribe refused to deny that this was a move toward renewal of commercial whaling.

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It is important to understand that the International Whaling Commission has never sanctioned the Makah whale hunt. Under the International Whaling Convention, of which the United States is a signatory, it has been legal to hunt whales for scientific or aboriginal subsistence purposes only. The tribe clearly has no nutritional need nor subsistence need to kill the whales.

Even in the face of the strong International Whaling Commission's opposition to the original Makah proposal in 1997, the U.S. delegation unbelievably ignored years of U.S. opposition to whale killing and cut a sleazy deal with the Russian government in a back-door effort to find a way to grant the Makah's the right to kill whales.

The agreement was to allow the Makah Tribe to kill four of the whales from the Russian quota each year under the artificial construction of cultural subsistence. Before this shameful back-door deal, the United States had led the opposition worldwide to any

whale killing not based on true subsistence need. Cultural subsistence is a fraud. It is a slippery slope to disaster.

Cultural subsistence would have expanded whale hunting to any nation with an ocean coastline and any history of whale killing. The whaling interests in Norway and Japan, who still occasionally pirate whales on the high seas, were delighted with the U.S. position. They have orchestrated and financed an international cultural subsistence movement. America's historical role as a foe of renewed whaling around the world would have been drastically undercut.

The treaty signed by the Makah Tribe in 1855 only gives them the right to hunt whales in common with the citizens. This provision was to ensure equal rights, not special rights. Now, under the 9th Circuit Court ruling, the Makah Tribal Government will not be allowed to kill whales when it is illegal for anyone else in the United States to do so.

It is shameful that the Clinton-Gore administration supported a proposal that flies in the face of the values, interests and desires of the majority of United States citizens. It violates the law and the clearly stated U.S. policy in opposition to whaling.

I support those Makah tribal elders and others who oppose this hunt, and I am deeply appreciative of the court ruling and our success in stopping the renewal of the barbaric practice of whaling.

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ENSURING A COMPETITIVE AIRLINE INDUSTRY

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, I am deeply troubled over the possibility of mergers of major domestic airlines. Many observers have predicted that if the proposed merger of United Airlines and US Airways is allowed to proceed, it will be followed by mergers of other major carriers, and soon we will have an industry dominated by three mega-carriers. This would be devastating to consumers.

The father of deregulation, Alfred Kahn, observed "Because of the United-US Airways threatening to set off a series of imitative mergers that would substantially increase the concentration of the domestic industry, there is a possible jeopardy here to the many billions of dollars that consumers have been saving each year because of the competition set off by deregulation."

I am strongly opposed to the United-US merger and other mergers that likely will follow. I have asked the Department of Justice and Transportation to use all available authority to stop the mergers under the antitrust laws, and many Members have indicated they share those concerns.

At hearings held in several House and Senate committees there was little

support for the United-US merger. Members raised concerns about the impact of the merger on service to the areas they represent as well as to the Nation at large. As one Member in our hearing in our Committee on Transportation and Infrastructure observed, "I don't think the merger is a win-win for the consumer. As a matter of fact, it might be a lose-lose look for the consumer." A number of Members expressed the sentiment that if Congress were to vote on the proposed United-US merger, it would fail.

I hope and expect that the Department of Justice will heed those strongly-held views. At the same time, however, I believe we have to begin thinking about steps we would take to protect consumers if competition in the industry is reduced to a point where it is no longer an affective check on monopolistic behavior. I must emphasize that this type of legislation is not my preference. I would greatly prefer an environment in which consumers are protected by adequate competition in a free market.

The legislation I am introducing will give the Department of Transportation extended authority to protect the American consumer should a series of mergers or acquisitions be approved, leaving our domestic market with three or fewer carriers, who would account for over 70 percent of scheduled revenue passenger miles. The authority that I would extend to the Department of Transportation in this legislation will include oversight of air carrier pricing, anti-competitive responses to new entrant competition, and other unfair competitive practices.

This is not reregulation. Airlines will remain free to set prices and enter or leave markets without prior government approval. But the bill will give DOT authority to intervene if the airlines take unfair advantage of the absence of sufficient competition.

I just want to cite the highlights of this legislation. The bill would take effect when, as a result of mergers between two or more of the top seven carriers, three or fewer carriers control more than 70 percent of domestic revenue passenger miles.

Monopolistic fares. The Secretary of Transportation is authorized to require reduction in fares that are unreasonably high. When the Secretary finds that a fare is unreasonably high, he may order that it be reduced and that the reduced fare be offered for a specified number of seats and that rebates be offered.

Preventing unfair practices against low-fare new entrants. If a dominant incumbent carrier responds to low-fare service by a new entrant, and matches that low fare, and offers two or more times the low-fare seats as the new entrant, the dominant carrier must continue to offer the fare for 2 years, for at least 80 percent of the highest level of low-fare seats it offered.

Increasing competition at hubs. If a dominant carrier at a hub airport

takes advantage of its monopoly power by offering fares 5 percent or more above industry averages in more than 20 percent of hub markets, DOT may take steps to facilitate added competition at the hub.

And, finally, the measures to encourage competition may include measures relating to the dominant carrier's gates, slots, or other airport facilities, to travel agent commissions, frequent flyer programs and corporate discount programs.

I hope we do not ever have to come to a point where this legislation must be enacted and must take effect. I hope that the Justice Department will disapprove the United-US merger and discourage all other mergers that are likely to follow this one. If not, and if the domestic airspace and the world airspace is reduced to three globe-straddling mega-carriers, then we will need this legislation in place to protect competition and protect consumers.

Mr. Speaker, I want to go into a little more detail about some of the problems my legislation seeks to address.

MONOPOLISTIC FARES

If the airline sector is reduced to three major carriers the remaining mega-carriers could substantially reduce competition and raise fares. The way airline competition works today, when established carriers control markets, the tendency is for the carriers to follow each other's fare changes so that the fares are identical, and the passenger choice is limited. These tendencies would be magnified if there were only a few major airlines. There would be enormous incentives for each carrier to avoid competing with the others at their strong hubs and routes. This strategy would likely lead to the greatest mutual profitability, while strong competition across the board could prove suicidal. As the DOT aptly stated, "[e]conomic theory teaches that the competitive outcome of a duopoly is indeterminate: the result could be either intense rivalry or comfortable accommodation, if not collusion, between the duopolists." Collusion to fix prices is not new to the airline industry—in 1992 it was caught red-handed in an elaborate price-fixing scheme using computer reservations software.

The impact of mergers on fares goes beyond the effects of having only three major competitors. Each merger by itself eliminates competition between the parties to the merger; history shows that this reduction in competition will lead to higher fares. The General Accounting Office, in a 1988 report, found that after TWA bought Ozark, it raised roundtrip fares 13 to 18 percent on 67 routes serving St. Louis. An October 1989 report by the Economic Analysis Group, a DOJ research arm, noted that: "The merger of Northwest and Republic appears to have caused a significant increase in fares [5.6 percent] and a significant reduction in overall service on city pairs out of Minneapolis-St. Paul." That happened despite the fact the number of cities served from Minneapolis-St. Paul increased after Northwest/Republic merger.

My bill will give DOT authority to intervene if carriers take advantage of the absence of competition by raising fares above competitive levels. The bill gives DOT authority to require

reductions in fares which it finds to be unreasonably high. The bill gives examples of situations in which a fare might be found to be unreasonably high: if the fare in a particular market is higher than the fare the carrier charges in other markets with similar characteristics, or if the fare in a market is increased beyond increases in costs. The bill provides that if DOT finds that a fare is excessively high it may order that the fare be reduced, specify the number of seats at which the reduced fare must be offered, and order rebates.

UNFAIR COMPETITIVE PRACTICES AGAINST LOW FARE CARRIERS

A second problem that my bill deals with is unfair competitive practices against new entrants.

New entrants providing low fare service have been a critical element in airline competition under deregulation. In fact, history has shown that the public experiences real competition only when low fare carriers like Southwest Airlines enters a market. DOT called it the "Southwest effect." Studies have shown that when Southwest begins service to a new city, competitors tend to lower their fares and more people start flying. DOT studies show that average fares in markets served by low-fare carriers were \$70–\$90 lower than average fares in other markets. On the other hand, fares were higher in markets not served by a low-fare carrier, even when these markets had competition from several established carriers. New entrants with low fare service will be even more important in an industry dominated by three large carriers.

In recent years, low fare carriers have faced great difficulty in establishing their services. Last year on the House floor, I expressed my concern over unfair competitive practices that incumbent airlines have used when new entrant low fare carriers try to compete. In the typical scenario, the low fare carrier enters a market with a limited amount of low fare service. The incumbent carrier responds by matching the low fare and adding service so that the low fare will be available on many times the number of seats offered by the low fare carrier. This flooding of the market frequently drives the low fare carrier out, and permits the incumbent to raise its fare to the prior level.

The adverse effect of these practices on competition does not end with the particular challenger. Once it becomes known in the industry that an incumbent will respond aggressively to a challenge by a low fare carrier, other prospective competitors will also be deterred in the future. This is not a theoretical problem. DOT investigations and Congressional hearings have uncovered a number of instances in which major airlines have adopted money-losing strategies to drive out new entrants who have instituted low fare service at the major carrier's hub airports.

The Transportation Research Board (TRB), in its 1999 study *Entry and Competition in the U.S. Airline Industry*, examined 32 complaints of unfair competition on file with the DOT, concluding that "it is apparent that some of the actions described are difficult to reconcile with fair and efficient competition." The TRB reported that one-half of the cases involved sharp price cutting and excessive increases in capacity. In fact, last year the DOJ filed suit against American Airlines to enforce the anti-trust laws against alleged predatory practices by American Airlines to drive new entrants out of its Dallas/Ft. Worth hub.

If the industry is reduced to three mega-carriers, these carriers will have greater financial resources and general freedom from competition. This will enhance their ability to eliminate new entrants by unfair practices.

To deal with this problem, my bill adopts a concept suggested by Dr. Kahn and others to discourage unfair tactics against new entrants. In cases where a dominant carrier at a hub airport meets new low fare competition by reducing its fares and offering the new low fare on more than twice the number of seats as the new entrant carrier on that route, the bill requires the dominant carrier to continue to offer the new low fares for two years. During this two year period, the low fares must be made available on at least 80 percent of the highest number of seats per week for which that fare has been offered. This will ensure that a dominant carrier's efforts to defend its market, route or hub will be a truly competitive response, not one designed only to drive a new competitor out of business and then recoup reduced profits or losses by raising fares.

MONOPOLISTIC ABUSES AT HUB AIRPORTS

Another major problem that my bill addresses is monopolistic practices at hub airports dominated by a single airline. Several studies have shown that fares for hub airports are higher than fares in markets where there is more competition. The recent TRB study concluded that "the consistency with which hub markets appear among the highest-free markets is noteworthy and raises the possibility that the hub carriers are exploiting market powers in ways that would not be sustained if they were subject to more competition."

In an environment of less competition, the hub problem can be expected to grow worse. My bill addresses this problem in several ways. First, as I have previously discussed, the bill gives the Secretary authority to require that fares at hub airports be reduced if they are higher than fares elsewhere.

Secondly, the bill includes provisions to encourage more competition at hubs. The bill provides that, upon a finding that a dominant carrier is exploiting its position at a hub airport by offering unreasonably high fares in more than 20 percent of the hub's markets, the Secretary may require the dominant air carrier to make gates, slots, and other airport facilities reasonably available to other carriers. We have often heard of dominant air carriers that refuse to give to other carriers, especially new entrants, access to key airport facilities.

The ability to prevent other air carriers from competing effectively at hub airports will only be magnified if the industry is reduced to three major carriers.

My bill would also give the Secretary the authority to require that the air carrier exploiting a hub monopoly make adjustments in commissions paid to travel agents, in frequent flyer programs, and in corporate discount arrangements. Each of these marketing programs has served, in the past, to make it nearly impossible for new entrants to gain a foothold in a dominant hub market. The recent TRB report noted that use of these programs to drive out competition "merits further investigation by DOT."

UNREASONABLY HIGH FARES FOR BUSINESS PASSENGERS

A final problem the bill addresses is excessively high fares for business travelers and others who cannot meet the conditions on

discount tickets. In the last several years, airlines have been charging increasingly higher airfares to business travelers who do not qualify for discount tickets. The TRB noted that the: "higher-fare travelers . . . are now paying 5 to 25 percent more. Also evident is that these travelers are paying fares much higher than the median, at least in comparison with earlier periods (1995 to 1992). For instance, travelers paying the highest fares in 1992 paid 2 to 2.1 times the median fare. In 1998, these travelers paid 2.7 to 2.9 times the median." If the aviation industry were to consolidate to just three globe-straddling mega-carriers, the business traveler is the one who would bear the brunt of the super-premium airfares that are sure to be charged in those monopoly power airport markets.

My bill would give the Secretary power to require reductions in fares that are unreasonably high, either in and of themselves, or by comparison to the lower fares offered other passengers.

Mr. Speaker, I believe that we are at a critical point for the future of a competitive airline industry. The inescapable lesson of 22 years of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot stand idly by and allow the benefits of deregulation to be derailed by a wave of mergers. If these mergers are approved, we will need a new legislative framework to give the Secretary of Transportation appropriate authority to combat anti-competitive practices by the new line-up of powerhouse mega carriers, to preserve competition in the public interest, and ensure the widest range of travel options at the lowest possible prices for air travel.

If the mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government control in the public interest, for private monopoly control in the interests of the industry.

Mr. Speaker, I submit for the RECORD herewith a section-by-section summary of my legislation:

AIRLINE COMPETITION PRESERVATION ACT— SECTION-BY-SECTION SUMMARY SECTION 1—SHORT TITLE

This section provides that the Act may be cited as the "Airline Competition Preservation Act of 2000."

SECTION 2—OVERSIGHT OF AIR CARRIER PRICING

Subsection (a)(1) provides that the Act takes effect immediately upon a determination by the Secretary of the Department of Transportation that, as a result of consolidation or mergers between two or more of the top 7 air carriers, three or fewer of those air carriers control more than 70 percent of scheduled revenue passenger miles in interstate air transportation.

Subsection (a)(2) states that the Secretary shall, in determining the number of scheduled revenue passenger miles under subsection (a)(1), use data from the latest year for which complete data is filed. In addition, subsection (a)(3) provides that the Secretary in making the concentration determination in (a)(1) should attribute to the remaining airline those routes acquired from the air carrier with which it has merged or consolidated.

Subsections (b)(1) and (b)(2) give the Secretary the authority to investigate whether an air carrier is charging a fare or an average fare on a route that is unreasonably high. The factors in making this determination include whether the fare or average fare

in question: is higher than fares charged in similar markets; has been increased in excess of cost increases; and strikes a reasonable relationship between fares charged to passengers who are price sensitive and those charged to passengers who are time sensitive.

Under subsection (b)(3), if a fare is found to be unreasonably high, the Secretary may order, after providing the air carrier with an opportunity for a hearing, that it be reduced, that the reduced fare be offered for a specified number of seats and that rebates be offered.

Subsection (c) provides that if a dominant air carrier, on any route in interstate transportation to or from a hub airport, responds to low fare service by a new entrant by matching the low fare, and offering two or more times the low fare seats as the new entrant, the dominant carrier must continue to offer the low fare for two years, for at least 80 percent of the highest level of low fare seats it offered.

Subsection (d)(1) authorizes the Secretary to investigate whether a dominant carrier at a hub airport is charging higher than average fares at that airport. Subsection (d)(2) provides that the Secretary may determine that higher than average fares are being charged where an air carrier is offering fares that are 5 percent or more above industry average fares, in more than 20 percent of its routes that begin or end in its hub market. If higher than average fares are being charged, the DOT may, after providing the air carrier with an opportunity for a hearing, take steps to facilitate added competition at the hub, including measures to relating to the dominant carrier's gate, slots, and other airport facilities, travel agent commissions, frequent flyer programs and corporate discount programs.

Subsection (e) defines the terms "dominant air carrier," "hub airport," "interstate air transportation," and "new entrant air carrier." "Dominant air carrier" is defined, with respect to a hub airport, as an air carrier that accounts for more than 50 percent of the total annual boardings at the airport in the preceding 2-year period or a shorter period as specified by the Secretary. A "hub airport" means an airport that each year has at least .25 percent of the total annual boardings in the United States. "Interstate air transportation" is defined as including intrastate air transportation. A "new entrant air carrier," with respect to a hub airport, is defined as an air carrier that accounts for less than 5 percent in the preceding 2-year period or a shorter period as specified by the Secretary.

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SEND EDMOND POPE HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today with a heavy heart. On my left is a picture of Edmond and Cheri Pope, a lovely couple from State College, Pennsylvania. On March 14, Edmond left for Russia on a routine trip, a business trip. It would have been his 27th trip there. He was someone very involved in working with the Russians on business development, helping them market their declassified technology, someone who was very fond of the Russians and liked to help them economically in deals that were beneficial to both our countries.

For 115 days Edmond Pope, from April 3 on, has been in a Russian pris-

on. For 115 days Mrs. Pope has not had a husband, except for 2 hours that she spent with him several weeks ago. His children have had no father for 115 days. His aging parents do not understand why for 115 days they have not been able to talk to their son.

My colleagues, Edmond Pope was placed in prison unfairly. He is not a spy. He was charged with espionage. That is not true. And what is disturbing is for the first 11 weeks his wife and family had no chance to communicate with him; did not receive one note from him, one phone call from him, or able to get a note or a phone call or letter to him. That is 77 days he was absolutely separated from his family. They had no idea of his health, no idea if he had a lawyer; a good lawyer.

On June 19, Mrs. Pope, Cheri, and two of my staff, were leaving for Russia to attempt to visit him. That afternoon Cheri's mother passed away unexpectedly in San Diego, California. Mrs. Pope had to make the decision whether she went to bury her mother or she went to Russia to encourage her husband. She made the decision to go to Russia, and so she went. And several days later she had the chance to spend a few moments with him.

On Tuesday, June 20, they met for the first time in 3 months, just a few feet from a watchful prosecutor in Lefortovo prison. Edmond and Cheri Pope hugged and belatedly wished each other a happy 30th anniversary. Then Cheri Pope said, "The first thing he said to me was, 'Cheri, I didn't do anything wrong. I didn't.' And I said to him, I never thought for a minute you did."

In an emotional interview on Tuesday after that reunion, Cheri Pope said her husband, whom the Russians had accused of spying, was strikingly thin. He had a rash; he had lost a lot of weight; he had a pallor about him and some skin problems. She said, "Even though he didn't look well, he still looked handsome to me."

While they were there, Cheri and my staff were able to obtain a good lawyer for him. He did not have a good lawyer, and they had no way of knowing that. And since that time we have been working hard to obtain his release.

On June 26, we wrote President Putin a letter, and I will share with my colleagues some of the things we shared with him. "Mr. Putin, if you value our friendship, send Edmond Pope home. President Putin, if you value the growing business relationships beneficial to both of our countries, send Edmond Pope home." It said, "President Putin, if you value the many ways we aid you financially, send Edmond Pope home."

"Edmond Pope is a man who was there on sound financial business reasons. He is not a spy. He needs to be home with his family and with his grieving wife. He needs to be home to visit his father, who is seriously ill. He needs to be home to have his own health monitored, and he needs to be home so that our relationship between

the Russian Federation and America can grow and not be destroyed."

We have not heard from that letter, though we thought we would. Today, I wrote another letter to President Putin and it has been faxed to him. One hundred fifteen days have passed. This case has no merit. His new lawyer tells us he has shredded the evidence completely. On August 5, in just a few days, his son, Dusty Pope, plans to marry a young lady named Justin. It is only fitting that Edmond Pope be home to stand with his son and his future daughter-in-law and wish them into the world of matrimony.

I hope and believe that it is important that we get this issue resolved and that we get him home, because it is vital that we build a relationship between these two countries. I have a resolution that urges the President, with 109 signatures, and I could get many more, to discontinue our assistance to the Russian Federation, to approve no more loans to the Russian Federation, or no more technical assistance. I do not want to do that. I believe the future of Russia depends much on a friendship with this country. But it is time to send Edmond Pope home so that our relationship can grow to the benefit of both our countries. I ask President Putin to help us accomplish this today.

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CALLING ON RUSSIAN GOVERNMENT AND PRESIDENT PUTIN TO FREE EDMOND POPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WALDEN) is recognized for 5 minutes.

Mr. WALDEN of Oregon. Mr. Speaker, I rise this evening to reinforce the comments of my colleague, the distinguished gentleman from Pennsylvania (Mr. PETERSON), and to call on the Russian government and President Putin to free Mr. Ed Pope. We have heard he is an American businessman that they have held without trial for months, and I rise to assure Mr. And Mrs. Pope's family that the gentleman from Pennsylvania (Mr. PETERSON) and I are doing everything we can to secure his release.

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Mr. Speaker, the Russian government's continued incarceration of Mr. Pope, an American citizen, is nothing short of outrageous. Not only was his arrest and subsequent imprisonment contrary to international law, but the treatment he has received while in custody has been appalling.

Until recently, I am told, he has been denied communications with his wife. We heard they went for 70-plus days without being able to exchange letters or any communication. He has been denied access to sufficient food and medical treatment by American standards and certainly every other basic right we associate with justice systems of civilized nations.

Indeed, Mr. Speaker, Mr. Pope's imprisonment is reminiscent of those ugly dark days of the old Soviet regime when men and women were taken from their homes in the dark of night, interrogated, and sometimes never seen again. And that is wrong.

Mr. Speaker, as of yesterday, I was told that Mr. Pope still lacks such basics as a blanket, a blanket his wife has been trying to send to him, a blanket that has been described and detailed about what they have to do to get through the Russian bureaucracy and yet continued to be denied, a blanket.

A few weeks ago, I had the opportunity to meet with Mr. Pope's parents, Roy and Elizabeth Pope, who live in my district in Grant's Pass, Oregon. Mr. Speaker, both of them are elderly. Mr. Pope suffers from terminal cancer and dementia. They and I do not fully comprehend the diplomatic obstacles that keep their son away from his family.

Mr. Speaker, on May 9, I wrote to our own Secretary of State. On June 27, I wrote again. In neither case has this administration bothered to respond to the two letters of inquiry that I have sent directly to the Secretary of State.

Mr. Speaker, Ed's family knows that Ed is no criminal and that his imprisonment is unjust.

Mr. Speaker, we simply must do everything in our collective power to see to it that he is freed as soon as humanly possible.

Mr. Pope is no spy and he should be returned to his family. So I urge my colleagues on both sides of the aisle to join us in sending a strong message to President Putin and the Russian government that the American people are serious about this and will not forget their actions if Mr. Pope is not returned immediately.

In an era when the opportunity exists for better relations between our two nations, now is not the time to return to the mutual antagonism and suspicion that held the entire world hostage for a half a century of the Cold War.

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TRIBUTE TO HONORABLE JIMMY MORRISON

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. VITTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. VITTER. Mr. Speaker, tonight I rise to mourn the passing of a former Member of this body, the Honorable Jimmy Morrison of Louisiana.

Congressman Morrison was one of my constituents and represented much of the district I now represent. He served in this body from 1944 through 1966.

I was only 5 years old when he left this House, so my knowledge, obviously, of his tenure here is limited to conversations with those who were privileged to work with him and to the history books. I do know that he was a Member of whom we can all be proud.

In 1944, when he was first elected to office, his district was, like much of the country, a rural area still working to recover from the Great Depression.

Congressman Morrison earned a seat on the Committee on Agriculture and the Post Office and Civil Service committee, two assignments that allowed him to address the immediate needs of his constituents.

The esteem in which my older constituents hold him speaks volumes of his effectiveness. He had a distinguished record in this body. He always stood up for the downtrodden and spoke very passionately about his commitment to speaking and working for the causes of the downtrodden.

Perhaps the clearest example of that was his vocal support of the Civil Rights Act of 1964. He was extremely instrumental in furthering the needs and the interests of his particular district. He was really personally responsible for seeing to it that the intersection of I-12 and I-55 in his district happened in the area of Hammond, which helped enormously with the growth of the entire Hammond area.

He also worked as a leading member of the Committee on Post Office and Civil Service to establish needed post offices throughout his district.

On a more national scale, he introduced the legislation that led to the John F. Kennedy Center for the Performing Arts.

He was also very colorful and effective in the realm of politics. Besides being a sterling stump speaker, Mr. Morrison staged what he called the "convicts parade" on Canal Street during the 1939-1940 campaign to call attention to the convictions arising out of the Louisiana scandals involving the Huey Long machine.

Perhaps those of us in Louisiana politics today should take a lead from that in light of the recent conviction of our former governor, Edwin Edwards. Maybe we need another convicts parade.

I can speak from personal knowledge of his life after Congress. He returned full time to his hometown of Hammond and resumed an active role as an attorney and civic leader. Leaving Congress in no way weakened his commitment to public service. He was a strong supporter of Southeastern Louisiana University in Hammond, the institution that houses his congressional papers.

In honor of this support, the University hosts an annual lecture. The James H. Morrison Lecture on Politics and Government has brought leaders from throughout Louisiana and the Nation to Hammond to share their wisdom with the southeastern community.

Shortly after joining this body a little over a year ago, I traveled to Hammond to seek Congressman Morrison's advice. It is clear from our conversation that he held the House in great esteem and viewed his opportunity to serve as a great honor accompanied by great responsibilities. I always will remember our discussion and the advice and wisdom he shared.

To his wife, Marjorie, to family and many friends, let us all offer our sincere condolences. May they be comforted by the knowledge that he is now blessed with the joy and peace far greater than any on Earth.

Mr. Speaker, Congressman Morrison served with only two present Members of the House. One of those with whom he served for quite a bit of time was the honorable gentleman from Michigan (Mr. DINGELL).

The gentleman from Michigan (Mr. DINGELL) could not join with me tonight. He had a pressing engagement off the floor. But he did give me a statement which he asked for me to read on his behalf. This again is from the gentleman from Michigan (Mr. DINGELL):

Mr. Speaker, I rise to pay tribute to an honorable, courageous man who passed away last Thursday in his hometown of Hammond, Louisiana. James H. "Jimmy" Morrison represented his constituents well, fought for the underdog admirably, and served in this body with distinction.

I had the pleasure of serving with Jimmy Morrison, a principled populist and a passionate fighter on behalf of Louisiana and his Sixth District, which he served from 1942-1966. He was an advocate for working men and women before he came to Congress, beginning his legal career organizing strawberry farmers who fell prey to unfair price fixing. In Congress, he continued to fight to ensure that every individual was entitled to fair treatment in the workplace and given the opportunity to live the American dream. Always alert to the needs of his constituents, he brought back federal dollars home for roads, schools, and post offices.

Mr. Speaker, I would like to note Jimmy Morrison's courage. Jimmy Morrison's proudest and most courageous vote, in support of the Civil Rights Act of 1964, undoubtedly cost him his seat. His opponent played the race card during a tense time in the South, throwing fuel on the fire of fear and hate, and beat Jimmy in doing so. But that did not matter; Jimmy Morrison knew he was on the side of righteousness, not political expediency. History should remember his courage.

I would ask my colleagues to join me in honoring James H. Morrison, a good, decent, courageous public servant who should be remembered both for his accomplishments and the example he set.

Those were the comments, as I said, Mr. Speaker, of the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I know the gentleman from Louisiana (Mr. BAKER) joins me in this special order, and he is here with us on the floor. I yield to the gentleman.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a recent high school graduate many, many years ago, I had the occasion to open my mail and there in the mailbox was a letter from my Congressman. I was so shocked to think that he first knew that I had graduated high school and that he would send me such a nice congratulatory note.

Many years later, I was at the dedication of a new building project in the congressional district and in the audience was Congressman Jimmy Morrison. And I reminded him of his kind act

of courtesy in sending me this congratulatory letter in which he not only said "Congratulations on your fine academic achievement. But should you ever have occasion to come to Washington, I certainly want to invite you."

In that context, I extended my appreciation for that offer and accepted his kind invitation to come to Congress.

Congressman Jimmy Morrison was more than just a good political figure. He had exemplary courage. In fact, he was a leader in the civil rights fights of the 1960s. And many believe it was his belief and conviction in the action of civil rights that brought his long and distinguished congressional career to an end.

But it was also exemplary of the core of what Congressman Morrison's strengths really were. He was a courageous person. Serving in office from 1943 to 1967, he was never afraid to take a stand whether controversial or not.

Many might say about many Louisiana politicians that at times they can be flamboyant. Certainly Congressman Morrison was no exception to that observation. But throughout it all, he was a leader. He is a leader who is known in the State for his accomplishments but also as a political legend. But he is known as a legend for all the right reasons.

Mr. VITTER. Mr. Speaker, reclaiming my time, we will all remember Congressman Morrison very fondly, very proudly for his contributions not only to his part of Louisiana, to our home State, but to the Congress and to the country.

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FUNDING FOR NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 50 minutes.

Mr. GEKAS. Mr. Speaker, we rise here today to state and restate a goal that we had set several years ago to attempt to and to succeed in doubling the funding for NIH, the National Institutes of Health, over a 5-year period. This was 3 years ago.

We began that by introducing a resolution to that effect and gathering sponsorship. And lo and behold, the first 3 years have yielded the steady advance toward that doubling of funding that we so earnestly felt was necessary for the people of our country.

Today, as we stand here, the Congress is poised to do the third leg of that doubling process down the road by engaging in a conference report between the House and the Senate in which the top figure, that contained in the Senate, \$2.7 billion, or thereabout, would be exactly the amount required to keep us on the path towards the doubling of the funding.

We anticipate that Members of the House and the Senate will eventually support that final figure that will keep us on this track.

But why is this important? It is important not just for the sake of the money required to keep an enterprise moving, but the work of that enterprise will be to relieve pain, to relieve suffering, to prevent disease, to cure disease. Because that is what the business of the NIH is, to reach out and, through research and through efforts in the world of medicine and healthcare, to bring about breakthroughs in the various maladies that face the people of the Earth.

We have seen evidence over the last 10 years of tremendous breakthroughs and advances in Parkinson's disease, in women's breast cancer, in other types of cancer, in Alzheimer's disease, in many of the things that plague us and for which there is sometimes said to be no cure. And that is true, but we do not know how soon we could reach a point where we might develop a cure.

b 1815

But the point is that is the purpose of the increased funding for the NIH. Along the way, then, we in this Congress submitted a similar resolution, H. Res. 437, which does the very same thing. \$2.7 billion is our target. We are short of that in the House, but as I said the conference report will probably yield assent by the Congress to this third leg of the doubling effort about which we speak. We have ample documentation and evidence from other Members of Congress and people throughout the Nation that there is gigantic support for this particular effort.

Mr. Speaker, I want to enter into the RECORD my own statement in this regard, a copy of H. Res. 437, various Dear Colleague letters that speak on the subject, a list of cosponsors of the effort, and also letters of support, some dozen of them.

H. RES. 437

Whereas past Federal investment in biomedical research has resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures;

Whereas the Nation's commitment to biomedical research has expanded the base of scientific knowledge about health and disease, and revolutionized the practice of medicine;

Whereas the Federal Government is the single largest contributor to biomedical research conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Nation's biotechnology, medical device, and pharmaceutical industries;

Whereas the origin of many new drugs and medical devices currently in use is biomedical research supported by the National Institutes of Health;

Whereas women have traditionally been underrepresented in medical research protocols, yet are severely affected by diseases including breast cancer, which will kill over 43,300 women this year; ovarian cancer, which will kill 14,500; and osteoporosis and cardiovascular disorders;

Whereas research sponsored by the National Institutes of Health is responsible for the identification of genetic mutations relating to nearly 100 diseases, including Alz-

heimer's disease, cystic fibrosis, Huntington's disease, osteoporosis, many forms of cancer, and immunodeficiency disorders;

Whereas many Americans face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer's and Parkinson's disease, threaten to destroy the lives of millions of Americans, overwhelm the Nation's health care system, and bankrupt the Medicare and Medicaid programs;

Whereas 2.7 million Americans are currently infected with the hepatitis C virus, an insidious liver condition that can lead to inflammation, cirrhosis, and cancer as well as liver failure;

Whereas 297,000 Americans are now suffering from AIDS, and hundreds of thousands more are infected with HIV;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of morbidity and mortality;

Whereas the extent of psychiatric and neurological diseases poses considerable challenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treatment of HIV illustrate the promise research holds for even more effective, accessible, and affordable treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every six American men will develop prostate cancer and over 40,000 men will die from prostate cancer each year;

Whereas juvenile diabetes and diabetes, both insulin and non-insulin forms, afflict 16 million Americans and place them at risk for acute and chronic complications, including blindness, kidney failure, atherosclerosis, and nerve degeneration;

Whereas the emerging understanding of the principles of biometrics have been applied to the development of hard tissue such as bone and teeth as well as soft tissue, and this field of study holds great promise for the design of new classes of biomaterials, pharmaceuticals, and diagnostic and analytical reagents;

Whereas research sponsored by the National Institutes of Health will map and sequence the entire human genome by 2003, leading to a new era of molecular medicine that will provide unprecedented opportunities for the prevention, diagnoses, treatment, and cure of diseases that currently plague society;

Whereas the fundamental way science is conducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research training programs, and development of new skills among scientific investigators; and

Whereas most Americans overwhelmingly support an increased Federal investment in biomedical research: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Biomedical Revitalization Resolution of 2000".

SEC. 2. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that funding for the National Institutes of Health should be increased by \$2,700,000,000 in fiscal year 2001 and that the budget resolution should appropriately reflect sufficient funds to achieve this objective.

WASHINGTON, DC,
July 12, 2000.

TAKE THE THIRD STEP TOWARD DOUBLING THE NIH BUDGET IN FIVE YEARS: COSPONSOR THE "BIOMEDICAL REVITALIZATION RESOLUTION OF 2000"

DEAR COLLEAGUE: We are writing to invite you to join us in becoming a cosponsor of the "Biomedical Research Revitalization Resolution of 2000," a bipartisan resolution that takes the third step toward doubling the National Institutes of Health (NIH) budget in five years. This Resolution expresses the sense of the House of Representatives that the NIH budget should be increased by \$2.7 billion in Fiscal Year 2001.

The Resolution states that we can accomplish this goal in five years through budget surpluses, budget offsets, and the regular appropriations process. The budget resolution must reflect these potential funding opportunities to make this goal a reality. NIH funding has doubled over the past ten years, but with scientific discoveries occurring at a revolutionary pace, this investment must be accelerated NOW! The outstanding performance of the American economy is providing budget surpluses at just the time when NIH needs this money the most. By 2005, the NIH will complete the mapping and sequencing of the human genome. This will usher in a new era of molecular medicine with unprecedented research potential to prevent, diagnose, treat, and cure diseases that currently plague our society.

These future breakthroughs, however, depend upon Congress appropriating sufficient funds to continue and expand on the research currently being conducted. We are seeking funding that will ensure the realization of major biomedical breakthroughs in the next decade. We must demonstrate our commitment to improving the health and well-being of all Americans by increasing funding for NIH and keep medical advancements on the fast track to discovery.

NIH research has spawned the biotechnology revolution, whose products grew into a \$50 billion industry in 1999. NIH supports over 50,000 scientists at 1,700 universities and research institutes across the United States. The biotechnology industry—a direct result of advances in biomedical research funded by the NIH—employs 118,000 people in over 12,000 biotechnology companies across the country. The biotechnology revolution has also spurred advancements in other industries that have applied the discoveries to their own fields. In agriculture, biotechnology is producing greater crop yields while reducing the dependence on traditional chemical pesticides. Biotechnology research, while conducted by the public sector, has had substantial impacts on the economy and society as a whole that affect the lives of every individual in this country. Continued advances, however, are directly dependent on the biomedical research conducted by the NIH.

Whether affecting our family, friends, neighbors, and colleagues, we have all seen the heart-breaking impact of cancer, stroke, diabetes, heart disease, AIDS, and other diseases that cause chronic disability and shortened lives. We can do something about these diseases by making the investment to double NIH funding this year. Last year a similar proposal to double the NIH budget in five years received the bipartisan support of over sixty five members of the House of Representatives. We enjoyed some success in the effort when we added \$2.3 billion to the NIH Fiscal Year 2000 budget. Please contact Matt Zonarich in Representative Gekas' office at 5-4315 to cosponsor the Biomedical Revitalization Resolution of 2000.

Very truly yours,

GEORGE W. GEKAS,
NANCY PELOSI,
KEN BENSTEN,
SONNY CALLAHAN,
CONSTANCE MORELLA,
Members of Congress.

H. RES. 437 COSPONSORS

Rep. Baldacci, John Elias
Rep. Bentsen, Ken
Rep. Blagojevich, Rod R.
Rep. Borski, Robert A.
Rep. Brady, Robert
Rep. Callahan, Sonny
Rep. Capuano, Michael E.
Rep. Castle, Michael N.
Rep. Cunningham, Randy (Duke)
Rep. DeFazio, Peter A.
Rep. DeGette, Diana
Rep. Fowler, Tillie
Rep. Frank, Barney
Rep. Gejdenson, Sam
Rep. Gilchrest, Wayne T.
Rep. Gonzalez, Charles A.
Rep. Greenwood, James C.
Rep. King, Peter T.
Rep. LaFalce, John J.
Rep. Lantos, Tom
Rep. McGovern, James P.
Rep. McNulty, Michael R.
Rep. Moakley, John Joseph
Rep. Morella, Constance A.
Rep. Nethercutt, George R., Jr.
Rep. Pelosi, Nancy
Rep. Porter, John Edward
Rep. Price, David E.
Rep. Rivers, Lynn N.
Rep. Schakowsky, Janice D.
Rep. Slaughter, Louise McIntosh
Rep. Stearns, Cliff
Rep. Wolf, Frank R.

JOINT STEERING COMMITTEE FOR PUBLIC POLICY, Bethesda, MD, July 18, 2000.

Hon. George Gekas,
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE GEKAS: On behalf of the Joint Steering Committee for Public Policy, representing 25,000 basic biomedical researchers, thank you for your leadership in organizing a Special Order to support doubling the NIH budget from 1999–2003. We also salute your introduction of H. Res. 437, which calls for the same.

Your outstanding efforts to educate the Congress through the Congressional Biomedical Research Caucus about the National Institute of Health and its ability to effectively utilize a 15%, \$2.7 billion increase in this year's appropriation. We recognize the difficulty Congress faces in achieving this goal, but we are confident that through your leadership and that of Congressman Porter, this goal will be achieved and health research will be accelerated by this visionary investment.

As you well know, our country leads the world in biological science, enabled by a far-sighted national policy of federal funding for research at our Nation's colleges and universities through the NIH and other agencies. The NIH is the major source of funds for critical basic research in laboratories throughout the U.S., on Alzheimer's disease, cancer, diabetes, heart disease and many other devastating diseases. This investment will provide a significant boost to these important efforts by translating the promise of scientific discovery into better health.

The sequencing of the human genome has provided a huge amount of information highly relevant to human health. However, the information is encoded in a form that is currently unreadable by modern methods for deciphering the biological meaning of genome

sequences require extensive computation, some of it still beyond the limits of existing computer algorithms, software and hardware. Incremental investment in the NIH will enable the important search for the key to the human genome.

Thank you for your support of biomedical research and basic science.

Sincerely yours,
ERIC S. LANDER, Ph.D.,
Chair.

FEDERATION OF AMERICAN SOCIETIES
FOR EXPERIMENTAL BIOLOGY,
May 8, 2000.

Hon. GEORGE W. GEKAS,
*House of Representatives, Rayburn House Office
Building, Washington, DC.*

DEAR REPRESENTATIVE GEKAS: On behalf of the more than 60,000 scientists belonging to the Federation of American Societies for Experimental Biology (FASEB), thank you for your continued efforts to support biomedical research, specifically the National Institutes of Health (NIH). By introducing the Biomedical Revitalization Resolution of 2000 (H. Res. 437) in support of a \$2.7 billion dollar increase in NIH funding in FY 2001, you have made a testament to your steadfast dedication to this cause.

As stated in the resolution, continued investment in biomedical research will result in further improvements in our nation's health, quality of life and economy. We can expect this investment to lead to decreases in health care expenditures and stimulation of biotechnology and pharmaceutical industries. This increase, together with the momentum from other recent investments, should enable the biomedical sciences to capitalize on expanding knowledge of disease processes and their underlying genetic basis in order to develop new therapies.

We depend on the insight and leadership you have shown once again. Your strong support enables scientists to seize current opportunities in biomedical research and bring about advances in science and health that benefit the American public.

Sincerely,
DAVID G. KAUFMAN, M.D., PH.D.

AMERICAN HEART ASSOCIATION,
Washington, DC, June 14, 2000.

Hon. GEORGE GEKAS,
*House of Representatives,
Washington, DC.*

DEAR REPRESENTATIVE GEKAS: The American Heart Association applauds your continuing initiative and leadership in the bicameral, bipartisan effort to double funding for the National Institutes of Health by FY 2003. The historically large funding increase received by the NIH for FY 2000 represented the second step toward that goal.

Your ongoing efforts and those of the 33 cosponsors of H. Res. 437, expressing the sense of the House that the federal investment in biomedical research should be increased by \$2.7 billion in FY 2001, are vital in securing the third installment to double funding for the NIH. The American Heart Association strongly supports your hard work in making funding for the NIH a top priority in the FY 2001 appropriations process.

State-based polls show that an overwhelming majority of Americans favor doubling federal spending on medical research by FY 2003. NIH research reduces health care costs, provides cutting-edge treatment and prevention efforts, creates jobs and maintains America's status as the world leader in the biotechnology and pharmaceutical industries.

Also, an overwhelming majority of Americans want Congress to increase funding for heart and stroke research. According to an April 2000 national public opinion poll, 73

percent of Americans say increased federal funding for heart research is very important and 66 percent say increased federal funding for stroke research is very important.

The fight against heart disease—America's No. 1 killer—and stroke—America's No. 3 killer—requires innovative research and prevention programs. However, these programs to help advance the battle against heart disease and stroke are contingent on a significant increase in funding for the NIH. Now is the time to capitalize on progress and pursue promising opportunities that could lead to novel approaches to diagnose, treat, prevent or cure heart disease and stroke.

The American Heart Association commends you for your outstanding leadership and steadfast commitment to double funding for the NIH for FY 2003. Thank you.

Sincerely,

LYNN SMAHA, M.D., Ph.D.,
President.
JEFFERSON MEDICAL COLLEGE,
May 11, 2000.

Representative GEORGE W. GEKAS,
U.S. House of Representatives, Room 2410, Rayburn HOB, Washington, DC.

DEAR REPRESENTATIVE GEKAS: I write to urge you to support the 15%, \$2.7 billion increase in the Fiscal Year 2001 Labor, Health and Human Services and Education Appropriations bill for the National Institutes of Health. I also call for your support of a 17% increase for the National Science Foundation in the Fiscal Year 2001 VA-HUD and Independent Agencies Appropriations bill.

These increases are essential for biomedical research to capitalize on the many opportunities that we now have to benefit the health of the Nation. Strong NIH and NSF funding is also essential for the scientific discoveries that fuel the burgeoning biotechnology industry in the United States.

My own work on steroid receptors and cell death, especially in cells that invade the airway during asthmatic attack, is supported by the National Institutes of Health.

Thank you for your consideration.

Yours sincerely,

GERALD LITWACK, Ph.D.,
Chairman, Department of Biochemistry
and Molecular Pharmacology.

SCHOOL OF MEDICINE, CENTER FOR
GENE THERAPY,
MCP HAHNEMANN UNIVERSITY,
Philadelphia, PA, April 4, 2000.

Hon. GEORGE GEKAS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: I would like to ask for your continuing support of a 15% increase in the National Institutes of Health budget and a 17% increase in the National Science Foundation budget for FY 2000. As you are well aware, the tremendous investments that the citizens of the United States have made in research over the past several decades are beginning to pay off. We are just at the brink of tremendous benefits that will include dramatic new cures for diseases and produce a thriving industry for creating new jobs for our citizens.

I know you have been a strong supporter of these research budgets in the past. I thank you for that support.

Sincerely yours,

DARWIN J. PROCKOP, M.D., Ph.D.,
Director.

AMERICAN ASSOCIATION FOR
CANCER RESEARCH, INC.,
Philadelphia, PA, March 23, 2000.

Hon. GEORGE W. GEKAS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: As we enter the 21st Century, we have an unprecedented opportunity to take the bold steps required to end the human and economic devastation

caused by cancer. As you consider and deliberate the 2001 budget, consider that cancer will kill more than half a million of our citizens this year, more Americans than were lost in all of the wars we fought in the 20th Century. More than 1.2 million Americans will receive a diagnosis of cancer in 2000. However, as horrible as these statistics are, we anticipate that cancer incidence and mortality will increase significantly in the next 10-20 years due primarily to the aging and changing demographics of America. Cancer will hit those hardest who can least afford it, the minority and medically underserved and aged populations. Addressing the current and future cancer epidemic must become one of America's highest health care priorities. If we act now with a sense of urgency to provide the resources and continuity needed to cure and prevent cancer, we can and will prevail.

On behalf of the more than 15,500 basic, translational, clinical researchers and other research professionals who are the members of American Association of Cancer Research (AACR), we appreciate your steadfast support for increasing our commitment to the conquest of cancer. We recognize that as a member of the House of Representatives you face a range of priorities and deserving requests each year to provide increased funds for many of this Nation's healthcare needs. However, this year we ask that you carefully reflect on the very real possibility that we can finally turn the tide against cancer. Our prior investments in cancer research are paying off in advances in basic research that we could have only dreamed of 10 years ago. There are now unimagined opportunities to prevent and cure cancer through the transfer of these discoveries into new prevention and treatment technologies. We can accelerate the realization of these new diagnostic technologies, therapeutic drugs and prevention programs and continue needed advances in basic cancer research by deciding as a Nation to mount a multi-year final assault to defeat cancer at the earliest possible time.

To achieve the first step in this bold goal, the AACR requests that you support full funding for the Bypass Budget of the National Cancer Institute (NCI) at the \$4.135 billion requested. This level of funding will provide funding to support major initiatives such as individual research grants, clinical trials, training, cancer centers, improving quality of life for cancer patients, and allow the NCI to pursue several extraordinary research opportunities in cancer imaging, new cancer therapeutics, chemoprevention and tobacco control and tobacco related cancers. We also urge you to ensure that the National Institutes of Health receives a 15% increase in funding to continue the current plan of doubling the NIH budget in five years. Lastly, to provide needed funds for key programs in early cancer detection and cancer prevention, so badly needed by minority and medically underserved populations, the AACR requests that you support increasing the budget for cancer control programs of the Centers for Disease Control (CDC).

This is a bold first step, but we urge you to look beyond 2001. Last year Congress received a document, created by more than 150 of the Nation's leading cancer researchers, clinicians, survivors, advocates and business leaders, entitled, "Report from The March Research Task Force," that outlined in simple fashion a set of cogent recommendations regarding what it will take to accelerate progress against cancer. This unprecedented Report stated that if we are willing to look beyond 2001 and define a multi-year strategy and plan to address the cancer epidemic now and in the future, we can conquer cancer. We strongly encourage you to do just that—take the bold step this year to provide the needed

increases for the NCI, NIH and the CDC, and take the next bold step, to develop a five-year strategy and funding plan to finally defeat this tragic killer.

Thank you again for your past support. The AACR looks forward to working with you in the future as we take the steps necessary to prevent and cure cancer.

Sincerely yours,

ANNA D. BARKER,
Chairperson, Public Education Committee.
MARGARET FOTI, Ph.D.,
Chief Executive Officer.

THE AD HOC GROUP FOR
MEDICAL RESEARCH FUNDING,
June 13, 2000.

Hon. GEORGE GEKAS,
House of Representatives, Washington, DC.
Attn: Matt Zonarich

DEAR REPRESENTATIVE GEKAS: The Ad Hoc Group for Medical Research Funding greatly appreciates your continued leadership on behalf of doubling the budget for the National Institutes of Health (NIH), as demonstrated by your special order on Wednesday, June 14.

Enclosed is the FY 2001 proposal from the Ad Hoc Group for Medical Research Funding, which calls for a \$2.7 billion (15 percent) increase in the NIH appropriation as the third step in doubling the NIH budget by FY 2003. This report highlights some of the advances made possible by NIH-supported research and discusses the continuing health challenges that we believe justify doubling the NIH budget. Also enclosed is the list of nearly 200 patient groups, scientific societies, and research institutions and organizations that have endorsed the group's proposal.

We hope that you will consider including this material in the CONGRESSIONAL RECORD during your special order on June 14 on NIH funding.

Sincerely,

DAVID B. MOORE,
Executive Director.

THE AD HOC GROUP FOR MEDICAL RESEARCH
FUNDING

ORGANIZATIONS ENDORSING THE FY 2001
PROPOSAL AS OF MAY 24, 2000

Academy of Clinical Laboratory Physicians and Scientists.
Academy of Osseointegration.
Administrators of Internal Medicine.
Allergan.
Alliance for Aging Research.
Alzheimer's Association.
Ambulatory Pediatric Association.
American Academy of Allergy, Asthma and Immunology.
American Academy of Child and Adolescent Psychiatry
American Academy of Dermatology.
American Academy of Neurology.
American Academy of Ophthalmology.
American Academy of Optometry.
American Academy of Otolaryngology—Head and Neck Surgery
American Academy of Pediatrics
American Academy of Physical, Medicine & Rehabilitation.
American Association for Cancer Research
American Association of Dental Research.
American Association for the Study of Liver Diseases.
American Association of Anatomists.
American Association of Cancer Research.
American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Colleges of Pharmacy.
American Association of Dental Schools
American Association of Immunologists
American Association of Pharmaceutical Scientists.

American Association of Plastic Surgeons
 American Chemical Society
 American College of Clinical Pharmacology.
 American College of Preventive Medicine.
 American College of Radiology.
 American College of Surgeons.
 American Federal for Medical Research.
 American Foundation for AIDS research
 American Gastroenterological Association.
 American Heart Association.
 American Lung Association.
 American Nephrology Nurses' Association.
 American Optometric Association.
 American Osteopathic Association.
 American Pediatric Society.
 American Podiatric Medical Association.
 American Preventive Medical Association.
 American Psychiatric Association.
 American Psychiatric Nurses Association.
 American Psychological Association.
 American Psychological Society.
 American Society for Biochemistry and Molecular Biology.
 American Society for Bone and Mineral Research.
 American Society for Cell Biology.
 American Society for Clinical Nutrition.
 American Society for Clinical Oncology.
 American Society for Clinical Pharmacology and Therapeutics.
 American Society for Investigative Pathology.
 American Society for Microbiology.
 American Society for Nutritional Sciences.
 American Society for Pharmacology and Experimental Therapeutics.
 American Society for Reproductive Medicine.
 American Society of Addiction Medicine.
 American Society of Hematology.
 American Society of Human Genetics.
 American Society of Nephrology.
 American Society of Pediatric Nephrology.
 American Society of Tropical Medicine and Hygiene.
 American Thoracic Society.
 Americans for Medical Progress.
 American Urogynecologic Society.
 American Urological Association.
 American Veterinary Medical Association.
 Arthritis Foundation.
 Association for Research in Vision and Ophthalmology.
 Association of Academic Health Centers.
 Association of Academic Health Sciences Libraries.
 Association of American Cancer Institutes.
 Association of American Medical Colleges.
 Association of American Universities.
 Association of American Veterinary Colleges
 Association of Departments of Family Medicine.
 Association of Independent Research Institutes.
 Association of Medical and Graduate Departments of Biochemistry.
 Association of Medical School Microbiology and Immunology Chairs.
 Association of Medical School Pediatric Department Chairs.
 Association of Minority Health Professions Schools.
 Association of Pathology Chairs.
 Association of Pediatric Oncology Nurses.
 Association of Professors of Dermatology.
 Association of Professors of Medicine.
 Association of Schools and Colleges of Optometry.
 Association of Schools of Public Health.
 Association of Subspecialty Professors.
 Association of Teachers of Preventive Medicine.
 Association of University Professors of Ophthalmology.
 Association of University Radiologists.
 Boys Town National Research Hospital.

Campaign for Medical Research.
 Cancer Research Foundation of America.
 Candlelighters Childhood Cancer Foundation.
 Citizens for Public Action.
 Coalition for American Trauma Care.
 Coalition for Heritable Disorders of Connective Tissue.
 Coalition of National Cancer Cooperative Group Organization.
 College on Problems of Drug Dependence.
 Columbia University College of Physicians and Surgeons.
 Consortium of Social Science Associations.
 Cooley's Anemia Foundation.
 Corporation for the Advancement of Psychiatry.
 Crohn's and Colitis Foundation of America.
 Cystic Fibrosis Foundation.
 Digestive Disease National Coalition.
 Dystonia Medical Research Foundation.
 Emory University.
 ESA, Inc.
 Eye Bank Association of America.
 FDA-NIH Council.
 Federation of American Societies for Experimental Biology.
 Federation of Behavioral, Psychological and Cognitive Sciences.
 Fred Hutchinson Cancer Research Center.
 Friends of the National Institute of Dental and Craniofacial Research.
 Friends of the National Library of Medicine.
 Genetics Society of America.
 The Genome Action Coalition.
 Immune Deficiency Foundation.
 International Myeloma Foundation.
 Jeffrey Modell Foundation.
 Joint Council of Allergy, Asthma and Immunology.
 Johns Hopkins University.
 Johns Hopkins University School of Medicine.
 Juvenile Diabetes Foundation International.
 Krasnow Institute for Advanced Study.
 Massachusetts Institute of Technology.
 Medical Device Manufacturers Association.
 Medical Library Association.
 MedStar Research Institute.
 Mount Sinai School of Medicine.
 National Alliance for the Mentally Ill.
 National Alliance for Eye and Vision Research.
 National Association for Biomedical Research.
 National Association of State University and Land-Grant College.
 National Caucus of Basic Biomedical Science Chairs.
 National Childhood Cancer Foundation.
 National Coalition for Cancer Research.
 National Committee to Preserve Social Security and Medicare.
 National Foundation for Ectodermal Dysplasias.
 National Health Council.
 National Hemophilia Foundation.
 National Marfan Foundation.
 National Organization for Rare Disorders.
 National Osteoporosis Foundation.
 National Perinatal Association.
 National Vitiligo Foundation.
 New York State Cancer Programs Association, Inc.
 New York University School of Medicine.
 North American Society of Pacing and Electrophysiology.
 Ocular Microbiology and Immunology Group.
 Oncology Nursing Society.
 Oregon Health Sciences University.
 Osteoporosis and Related Bone Disorders Coalition.
 Pfizer.
 The Protein Society.

PXE International, Inc.
 Radiation Research Society.
 Research America.
 Research Society on Alcoholism.
 Research to Prevent Blindness.
 Resolve, The National Infertility Association.
 Society for Academic Emergency Medicine.
 Society for Investigative Dermatology.
 Society for Maternal-Fetal Medicine.
 Society for Neuroscience.
 Society for Pediatric Research.
 Society for Women's Health Research.
 Society of Academic Anesthesiology Chairs.
 Society of Gynecologic Oncologists.
 Society of Toxicology.
 Sudden Infant Death Syndrome Alliance.
 Tourette Syndrome Association, Inc.
 University of Utah Health Sciences.
 University of Washington.
 Wake Forest University School of Medicine.

WHY DOUBLE THE NIH BUDGET?

Based on the potential of current scientific opportunities and the successes of the past, we can confidently predict that an investment of a doubling over five years will be easily repaid in discoveries that will benefit the U.S. public and mankind.

The Human Genome Project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer's disease, or severe depression.

Our ultimate goal will be to find ways to prevent the development or progression of these diseases and design ways to intervene to prevent the development of these horrific diseases.

Cancer therapy will change; physicians will be able to customize cancer treatment by knowing the molecular fingerprint of a patient's tumor.

The genetic "fingerprint" of a person's cancer cells will be used to create a drug that will attack only the cancer cells—and render targeted treatment which is more effective and safe.

We will have effective vaccines for infectious diseases such as AIDS, tuberculosis, and malaria.

New science on the brain will lead to treatments for alcoholism, drug abuse, and mental illness.

HOW CAN INCREASED FUNDING BE USED TO HELP MAKE MORE PROGRESS?

Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. The speed of discovery can be accelerated by devoting greater resources to the NIH and NSF budgets.

The explosion of new knowledge from explorations of the human genome and the biology of the cell is providing new opportunities to further understand disease, and new innovative ways of treating, diagnosing, and preventing illness.

Unused capacity remains available in this great research enterprise. The great resources provided the Congress in FY 1999 and FY 2000 have facilitated the nation's research system to more fully use its potential capacity to respond more quickly to new ways to cure disease.

The more new ideas explored and the more rapid the effort, the sooner these findings will be translated into the real life medical benefits and medical practice.

ECONOMIC COSTS OF MAJOR ILLNESSES

(Dollar amounts in billions)

Illness	Year	Direct costs	Indirect costs	Total costs	Ratio ¹
Injury	1995	\$89.0	\$248.0	\$337.0	74

ECONOMIC COSTS OF MAJOR ILLNESSES—Continued
(Dollar amounts in billions)

Illness	Year	Direct costs	Indirect costs	Total costs	Ratio ¹
Heart diseases	1999	101.8	81.3	183.1	44
Disability	1986	82.1	87.3	169.4	52
Mental disorders	1992	66.8	94.0	160.8	58
Cancer	1994	41.4	68.7	110.1	62
Alzheimer's disease	1997	15.0	85.0	100.0	85
Diabetes	1997	44.1	54.1	98.2	55
Chronic pain condition	1986	45.0	34.0	79.0	43
Arthritis	1992	15.2	49.6	64.8	77
Digestive diseases	1985	41.5	14.7	56.2	26
Stroke	1998	28.3	15.0	43.3	35
Kidney and urological diseases	1985	26.2	14.1	40.3	35
Eye diseases	1991	22.3	16.1	38.4	42
Pulmonary diseases	1998	21.6	16.2	37.8	43
HIV/AIDS	1999	13.4	15.5	28.9	54
Other (10 further illnesses)	(²)	53.4	23.9	77.2	31
Total: 25 illnesses		707.1	917.5	1624.0	56

¹ Ratio of indirect total costs (percent).

² Various.

THE PROMISE OF NIH RESEARCH FOR HEALTH

Identify genetic predispositions and risk factors for heart attack and stroke.

New approaches to treating and preventing diabetes and its complications.

Genomic sequencing of disease-causing organisms to identify new targets for drug development.

Earlier detection of cancer with new molecular technologies.

New ways to relieve pain.

Diagnostic imaging for brain tumors, cancers, chronic illnesses.

Assess drugs for their safety and efficacy in children.

Medications for the treatment of alcoholism and drug addiction.

Rigorous evaluation of CAM practices (complementary and alternative medicine).

Clinical trials database—help public gain access to information about clinical trials.

Understand the role of infections in chronic diseases.

Vaccines for preventing HIV infection, middle ear infection, typhoid, dysentery, TB, *E. coli* food contamination.

Human genome sequence to assess predisposition to disease, predict responses to drugs and environmental agents, and design new drugs.

New means of detecting and combating agents of bioterrorism.

New ways to repair/replace organs, tissues, and cells damaged by disease and trauma.

Understand and ameliorate health disparities.

Improved interventions for lead poisoning in children.

New interventions for neonatal hearing loss.

Safer, more effective medications for depression and other mental illnesses.

New approaches to preventing rejection of transplanted organs, tissues, cells.

New treatment, and preventive strategies for STDs (sexually transmitted diseases).

New approaches to restoring function after spinal cord injury.

New effective vaccines for infectious disease such as AIDS, tuberculosis, and malaria.

WHO WAS THE FIRST TO CALL FOR DOUBLING OF THE NIH AND NSF BUDGETS FOR BASIC RESEARCH?

In 1993, the magazine *Science* published a call for action by two Nobel Prize Laureates, and other science leaders Drs. Michael Bishop, Harold Varmus and Mark Kirschner, who plead that their Government and their Congress double the amounts of federal funding for the basic research being undertaken by the National Institutes of Health over a period of five years. This was not the enterprise of some creative lobbyists, but rather born from the thoughtful, rational and sci-

entific deliberations of some of the foremost minds in science. When Members of this great Chamber consider their votes for the consistent and substantial increases in funding of basic research at the National Institutes of Health and the National Science Foundation, they can rely with great confidence on the fact that these scientists placed their entire reputations on the line in making the recommendation that this Government and this Congress continue to expand their investment of federal dollars in basic research.

RECOMMENDATIONS

These great scientists stated and I quote in part, "If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts:

Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, Drs. Bishop, Varmus, and Kirschner recommend increasing the NIH budget by 15% per year, which would double the budget in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and exploiting the major areas of scientific opportunity.

Generate a comprehensive plan for the best use of federal funds for biomedical research.

Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government.

Facilitate the application of fundamental discoveries by encouraging technology research in the private sector.

Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research.

Strengthen the position of the presidential advisor on science and technology.

Create a program for long-term investment in research laboratories and equipment.

Increase federal attention to science education."

These were the recommendations of America's best and brightest scientists in 1993 and we should work to fulfill and implement these excellent recommendations.

SCIENCE AND THE NEW ADMINISTRATION

(J. Michael Bishop, Marc Kirschner, Harold Varmus)

With the new presidential Administration now in office, the scientific community is hopeful that measures will be taken to enhance research and the contributions it can make to our society. What little was said of research during the presidential campaign concerned technological improvement and economic stimulus. This limited focus probably arose from the necessities of electoral politics. Now it is important to broaden the discussion to include aspects of the scientific enterprise that are essential for its long-term viability.

The opportunities for progress through science are greater than ever. However, the last decade has witnessed an accelerating erosion of the infrastructure for fundamental research in the United States. If that erosion is not reversed soon the pace of discovery will necessarily decline, with widespread consequences for industry, health care, and education.

In hopes that President Clinton and Vice President Gore will soon address the prospects for basic science in the United States, we offer our view of how fundamental re-

search benefits our nation and what should be done to secure those benefits for the future. We speak here for biomedical research, our area of expertise, but believe that our remarks illustrate problems and opportunities found throughout science.

THE PROMISE OF BIOMEDICAL RESEARCH

Recent progress in biomedical research has brought an understanding of molecules, cells, and organisms far beyond anything anticipated a generation ago. The benefits of this progress include the makings of a revolution in preventive medicine, novel approaches to the diagnosis and treatment of cancer, heart attacks, infections, inherited diseases, and other ailments; the prospect of improving agricultural productivity in ways never imagined by the Green Revolution; new tools for environmental protection; and a renewed impetus to stimulate and inform public interest in science.

The economic benefits of these gains are substantial. Consider two examples: First, it is often argued that advances in research increase the costs of health care. However, biomedical research typically generates simpler and less costly devices; Inexpensive viral vaccines now save the United States billions of dollars annually; new tests for viruses have helped cleanse our blood supply, greatly reducing the economic losses from diseases that are spread by transfusion; and growth factors for blood cells are cutting the costs of caring for patients who receive bone marrow transplantation or chemotherapy for cancer. Second, fundamental research spawned the biotechnology industry, of which our nation is the undisputed leader. Biotechnology is a growing contributor to our economy, a source of diverse and gratifying employment, a stimulus to allied industries that produce the materials required for molecular research and development (R&D), and a vigorous partner to our academic institutions in the war against disease.

CHALLENGES TO BIOMEDICAL RESEARCH

Despite the progress, preeminence, and promise of American biomedical research, the enterprise is threatened by inadequate funding of research and its infrastructure; flawed governmental oversight of science, confusion about the goals of federally supported research, and deficiencies in science education.

The productivity of biomedical research is limited most immediately by financial resources. In 1992 the nation spent about \$10 billion on biomedical research, mostly by congressional appropriations to the National Institutes of Health (NIH). This investment is too small by several measures: (i) The United States currently devotes between \$600 and \$800 billion annually to health care, yet less than 2% is reinvested in the study of disease. In contrast, the defense industry spends about 15% of its budget on research. (ii) U.S. expenditures on R&D as a percentage of our gross national product have been declining steadily and are now lower than those of Japan and Germany. Moreover, 60% of our R&D dollars is designated for defense. (iii) The funding of approved NIH grant applications has fallen below 15% in some categories and under 25% in many, compared with rates of 30% or more in the preceding two decades, when progress was so rapid. Under these conditions, outstanding proposals cannot be pursued, first-rate investigators have become dispirited, and even the best students are discouraged from pursuing a career in science. (iv) Outstanding institutions lack funds for laboratories and replacement of inadequate instruments; as a result, the conduct of biomedical research is constrained and even dangerous.

Biomedical research is also impeded by outmoded procedures for the federal administration of science. Agencies that should be working together to promote research in the life sciences, instead remain separated in competing departments. NIH has suffered from a chain of command that requires approval from secretaries and undersecretaries with little expertise or interest in science. Some sources of funding for research in the life sciences lack appropriate mechanisms or expertise for initiating, judging, and administering programs, and others have not adapted their mechanisms appropriately to the progress that has been made in research. For example, many of the NIH study sections, traditionally the pride of the peer-review system, are now organized according to outmoded or otherwise inappropriate categories. In addition, the government has not learned how to involve the scientific community adequately in administrative decisions to initiate targeted projects. To cope with a decaying infrastructure, Congress has occasionally appropriated substantial funds for construction, but they have done so in a way that circumvents peer review and serves local needs rather than the advancement of science as a whole.

The confidence that the scientific community once had in the federal governance of biomedical research has been further eroded by the use of inappropriate criteria for appointments to high-ranking positions, particularly within the Department of Health and Human Services. In recent administrations it has become commonplace to consider political views on issues such as abortion and the use of fetal tissue in research. This tendency has compromised our ability to select leaders on the basis of their scientific accomplishments and their capacity to manage complex programs and make objective decisions.

These administrative problems have been compounded by confusion over the goals of federally supported biomedical research. Economic woes have encouraged call for increased application of current knowledge to practical problems in all branches of science. These appeals have special resonance in biomedical science now that so many opportunities for practical applications are at hand. In recent months such calls for applied science have gained further prominence because they have been championed by National Science Foundation (NSF) director Walter Massey and Representative George Brown (D-CA), a long-time friend of science. (1)

Claims that "society needs to negotiate a new contract with the scientific community . . . rooted in the pursuit of explicit, longterm social goals" (2) are, however, based on debatable assumptions and threaten the viability of our greatest asset—basic research. Such claims imply that basic research has become an entitlement program, although evidence shows it to be underfunded. They presume that basic and applied research can be unambiguously distinguished, although the experimental objective of academic and industrial sectors of biomedical research are often synonymous. They seem to deny that science has produced benefits for society, although its positive effects on health and the economy can be readily measured. Finally, in asking that federally supported academic investigators become responsible for practical applications, they ignore the demonstrated ability of the biotechnology and pharmaceutical industries to develop the fruits of basic science.

Enactment of policies that favor practical applications over basic science or narrowly defined objectives over scientific excellence is likely to come at the expense of traditional, broadly conceived explorations of biology. At this stage in the growth of bio-

medical science, when major discoveries are still unpredictable, this sacrifice would jeopardize the scientific progress required for social benefits and economic growth in the future. This year, for example, the NSP budget for basic research declined, despite an overall increase that benefited more applied areas.

The long-range future of biomedical science is also jeopardized by the deterioration of our educational programs in math and science. Academic institutions and the biotechnology and pharmaceutical industries depend on the nation's schools to supply a competent work force by stimulating interest in scientific thought and by training students in scientific methods. Many indicators show that we are failing to achieve these goals, especially with students in their early school years and when our performance is compared to those of other countries. We are also failing to produce an informed public that can respond intelligently to scientific advances.

RECOMMENDATIONS

If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts.

(1) Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, we recommend increasing the NIH budget by 15% per year, which would double the budget in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and exploring the major areas of scientific opportunity.

(2) Generate a comprehensive plan for the best use of federal funds for biomedical research. Development of new strategies, programs, and funding mechanisms should include the active participation of the scientific community and not originate solely from administrative directives.

(3) Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government. Efforts should be made to ensure that the thematic alignments of review panels accurately reflect contemporary progress and opportunities in biomedical research.

(4) Facilitate the application of fundamental discoveries by encouraging technology research in the private sector, culminating alliances between industry and academia, and clarifying the federal areas of conflict of interest.

(5) Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research. If the Administration or Congress provides new mandates or new requirements for the NIH and NSF, it should also provide the necessary additional funds.

(6) Strengthen the position of the presidential adviser on science and technology. The adviser should have strong credentials as a scientist and as an administrator, be alert to contemporary developments in both the biological and physical sciences, be encouraged to consult the diverse representatives of the research community, and have regular access to the president and vice president.

(7) Establish the NIH as an independent federal agency and consolidate the authority of the director over the individual institutes.

(8) Apply appropriate criteria to the choice of science administrators. Appointments

should be based on stature in the research community and administrative ability rather than on political and religious considerations.

(9) Implement a uniform and comprehensible policy for indirect costs that provides incentives to institutions for cost savings and ensure that the funds will be used only to support the infrastructure required for research.

(10) Create a program for long-term investment in research laboratories and equipment based on peer review of merit and need rather than on political affiliations.

(11) Increase federal attention to science education. Measures could include the development and dissemination of new curricula and textbooks, enrichment programs for established teachers, improvements in the training of science teachers, and scholarships and other incentives for prospective science teachers.

CONCLUSION

We look to our new president and vice president for leadership in fulfilling the promise of science for our nation. We hope that they will not fall prey to the view that the problems of our society might be solved by a shift in emphasis from basic science to applied research. Instead, the U.S. federal government should act decisively and soon to revitalize the support of fundamental as well as applied research. President Clinton and Vice President Gore have spoken clearly on health care, economic policy, and education. We ask them to do the same on the issues that confront science (3).

REFERENCE AND NOTES

1. D. Thompson, * * * 140, 84 (25 November 1992).
2. G. Brown, Los Angeles Times (8 September 1992), P. 12.
3. This policy forum is based in part on a statement prepared in November 1992 by the Joint Steering Committee for Public Policy, representing the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society, and the Genetics Society of America.

STATEMENT OF PURPOSE FOR THE BIOMEDICAL RESEARCH CAUCUS

To broaden support and knowledge of basic and clinical biomedical research issues throughout the Congress in a bipartisan manner.

To support the excellent work of existing Committees and Members with jurisdiction over National Institutes of Health, National Science Foundation, science research and health issues. The caucus seeks to augment their work.

To encourage careers for men and women in biomedical research among all segments of our society by ensuring stability and vitality in the programs at the National Institutes of Health and the National Science Foundation.

To inform and educate the Congress about potential and actual advances in health care made by our investment in biomedical research. Also, we will explore future advances that could be achieved with increase support.

To maintain our economic advantage in world markets in biomedical research and resulting biotechnology enterprises.

To provide an educational forum for discussion and exchange of ideas on issues involving biomedical research.

Biomedical Research Caucus Co-Chairs:

Congressman George W. Gekas, Congresswoman Nancy Pelosi, Congressman Sonny Callahan, and Congressman Ken Bentsen.

CONGRESSIONAL BIOMEDICAL RESEARCH
CAUCUS

2000 SCHEDULE OF EVENTS

March 1, 1999, Angiogenesis in Health and Disease, Napoleone Ferrara, Genentech, Inc.

March 29, 2000, Caucus 10th Anniversary Commemoration, Harold Varmus, Memorial Sloan-Kettering Cancer Center.

April 4, 2000, Using Genomics to Study Human History, Mary-Claire King, University of Washington.

May 3, 2000, Race and Ethnicity in Human Health and Disease, Harold Freeman, North General Hospital, New York.

June 7, 2000, Metastasis: How Cancer Cell Invade the Body, Richard Hynes, Massachusetts Institute of Technology.

July 12, 2000, Bioinformatics and Human Health, David Bolstein, Stanford University.

September 6, 2000, The Crisis at Academic Health Centers, Samuel Thier, Partners HealthCare System, Inc.

October 4, 2000, Pharmacogenetics & Genomics: Tailor-Made Therapies, Elliot Sigal, Bristol-Myers Squibb.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 7, 2000.

JOIN ME IN COSPONSORING H.R. 2399 THE NATIONAL COMMISSION FOR THE NEW NATIONAL GOAL: THE ADVANCEMENT OF GLOBAL HEALTH

DEAR COLLEAGUE: The entire world acknowledges that the 20th century was engaged by our nation's leadership in the removal of the threat of totalitarianism and of world communism. The national goals were the safeguarding and expansion of democracy through the maintenance of military and political power. With the fall of the Berlin Wall, these goals were made a reality. As we approach the beginning of the 21st century, America has a unique opportunity to channel the genius of its technology, industrial might, scientific research and dedicated will of our people into a positive goal equal to the 20th century challenge of defeating totalitarianism. Today, it is time to rechannel these tremendous energies to an all-out effort to enhance the health of Americans and to combat disease worldwide.

America has both humanitarian and enlightened, self-interested reasons to commit to the global eradication of disease—such accomplishments would protect our citizens, improve the quality of life, enhance our economy, and ensure the continued advancement of American interests worldwide. While the actual eradication of disease on a global scale may not be possible, the pursuit of such a goal could lead to new products in health care, new medicines, and new methods of treating disease.

On June 30, 1999, I introduced H.R. 2399, the National Commission for the New National Goal: The Advancement of Global Health Act. This legislation would create a Presidential/Congressional commission to investigate how we as a nation can commit ourselves to the goal of the global eradication of disease. Specifically, this commission would recommend to Congress a nationwide strategy of coordination among governmental health agencies, academia, industry, and other institutions and organizations that are established for the purpose of preventing and eradicating diseases.

In order to accomplish these objectives, H.R. 2399 sets two tangible goals for the Commission. First, the Commission would assist the Center for Vaccine Development at NIH to achieve global control of infectious diseases. In addition, the Commission would use NIH and NSF to expand health resources and research information globally through Internet conferencing and data dissemination capabilities. The Commission would be

authorized to spend up to \$1 million as seed money to coordinate and attract private and public funds, both at home and abroad, to reach these goals.

The knowledge and unbounded imagination of our researchers, doctors and scientists have ensured the preeminence of research that has fostered our freedom and economic well being. Now, we can empower these individuals in a all-out effort to devise the methods and substances to eradicate disease worldwide. The concern for human life requires us to muster all available resources, bolstered by a concerted, dedicated will to eradicate diseases from the face of the Earth.

Please join me and Rep. John Porter in cosponsoring this important legislation. If you have any questions about this proposal, or would like to become a cosponsor, please contact Matt Zonarich at 5-4315.

Very truly yours,

GEORGE W. GEKAS,
Member of Congress.

H.R. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission for the New National Goal: The Advancement of Global Health Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) During the 20th century the United States led the world in defeating totalitarianism and communism.

(2) The United States also led the world in spreading and establishing democracy in every region.

(3) The end of global conflict and the end of the Cold War, now guaranteed by the power and leadership of the United States, allow the Nation to establish new goals for the 21st century.

(4) The United States, the world leader in the research, development, and production of technologies, medicines, and methodologies utilized to prevent and cure disease, has established a Center for Vaccine Development at the National Institutes of Health that could assist in the global control of infectious diseases. Infectious disease is the number one global health challenge killing 11 million people globally and 180,000 people in the United States and is the third leading cause of death in the United States. The United States has the resources, through the National Institutes of Health and the National Science Foundation, to expand health research information globally through the use of Internet conferencing and dissemination of data.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "National Commission for the New National Goal: The Advancement of Global Health" (in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

The Commission shall recommend to the Congress a national strategy for coordinating governmental, academic, and public and private health care entities for the purpose of the global eradication of disease. The Commission shall address how the United States may assist in the global control of infectious diseases through the development of vaccines and the sharing of health research information on the Internet.

SEC. 5. MEMBERSHIP.

(a) MEMBERSHIP OF THE COMMISSION.—The Commission shall consist of individuals who are of recognized standing and distinction and who possess the demonstrated capacity to discharge the duties imposed on the Commission, and shall include representatives of

the public, private, and academic areas whose capacity is based on a special knowledge, such as computer sciences or the use of the Internet for medical conferencing, or expertise in medical research or related areas.

(b) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) The Secretary of Health and Human Services (or the Secretary's delegate).

(2) The Chairman of the Federal Trade Commission.

(3) The Director of the National Institutes of Health.

(4) The Director of the National Science Foundation.

(5) 3 Members of the Senate appointed jointly by the President of the Senate and the President pro tempore. Not more than 2 members appointed under this paragraph may be of the same political party.

(6) 3 Members of the House of Representatives appointed by the Speaker of the House of Representatives. Not more than 2 members appointed under this paragraph may be of the same political party.

(7) 2 individuals appointed by the President, by and with the advice and consent of the Senate, from among individuals who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(8) 3 individuals appointed by the President from among individuals who will represent the views of recipients of health services. Not more than 1 member appointed under this paragraph may be an officer or employee of the Federal Government.

(c) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(d) TERMS.—Each member shall be appointed for the life of the Commission.

(e) BASIC PAY.—Members shall serve without pay.

(f) QUORUM.—Nine members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(g) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be designated by the President at the time of the appointment.

(h) MEETINGS.—The Commission shall meet monthly or at the call of a majority of its members.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, AND DEVICES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money

and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Chairperson or Commission. For purposes of Federal income, estate, and gift taxes, property accepted under this subsection shall be considered as a gift, bequest, or devise to the United States.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) **CONTRACT AUTHORITY.**—The Commission may contract with and compensate government and private agencies or persons for administrative and other services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. 7. REPORTS.

(a) **INTERIM REPORTS.**—The Commission may submit to the President and the Congress interim reports as the Commission considers appropriate.

(b) **FINAL REPORT.**—The Commission shall transmit a final report to the President and the Congress not later than 12 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative, administrative, or other actions, as the Commission considers appropriate.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submitting its final report pursuant to section 7.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of its enactment.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed \$1,000,000 for fiscal year 2000 for the National Institutes of Health to carry out coordination activities under this Act with the Commission, the National Science Foundation, and other appropriate groups to transfer health research information on the Internet and to transfer the benefits of the infectious disease vaccine development program.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)(A) and (C))) authorized by this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

Mr. GEKAS. Mr. Speaker, we have here a little poster that tells the story and tells you the intricate number of steps and areas in which we are involved on behalf of the American people. That is the important thing. Are you not interested as an American in the person down the street who has cancer and might be dying from cancer? Are you not concerned about him? How about your own child who might need a new device, a new biotechnical device to sustain life? How about an elderly person that is beginning to be afflicted by Alzheimer's? Do we not want to do something about this? That is what we are going to be doing in the continued work of the National Institutes of Health. And doubling it will increase the focus and effort on every one of these diseases that can plague

your family or the people down the street.

For instance, the human genome project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer's or severe depression. These are not just labels that we throw out. These are living organisms of disease that are killing us, that are hurting us as an American people; and we are trying through this effort to reduce the pain and suffering and to eliminate the early deaths that so hurt our Nation.

Our ultimate goal will be to find ways to prevent the development of progression of these diseases and design ways to intervene to prevent the development of these horrific diseases as we have said. Cancer therapy will change. Physicians will be able to customize cancer treatment by knowing a molecular fingerprint of a patient's tumor. That is important work. The genetic fingerprint of a person's cancer cells will be used to create a drug that will attack only the cancer cells and render targeted treatment which is more effective and safe. In other words, hit the cancer cells and do not allow this other destruction of tissues that so often this day and age while sometimes helping to cure the cancer kills the patient because of the reduction of vital tissues in other parts of the body.

These are living species that we are talking about. We will have effective vaccines for infectious diseases such as AIDS, tuberculosis and malaria. New science on the brain will lead to the treatments for alcoholism, drug abuse and mental illness. What this new funding brings about is progress in all of these things. Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. We all know that.

The speed of discovery can be accelerated by devoting greater resources to the NIH and the National Science Foundation budgets. We have been saying that, we will resay it, it is important to restate it as often as possible, but it is absolutely vital.

One thing I want to mention, that not only do we along the way start to discover methodologies for preventing disease but there is a side dividend to the American people for all of this, because as we begin to treat and, let us say, cure kidney disease, just to give you an example, we would be saving millions and millions of dollars to the American taxpayers, to the Federal budget, to the local budgets by bringing about a closure to this terrible disease.

And when you add that combined with kidney disease are blindness, hypertension, all other kinds of side maladies, bringing them all into a cure or preventive methodology means that we will be saving not just the pain and suffering which are reason enough to try to do this but to have the added benefit of reduced health care costs which is so much on the mind of all the Members of the Congress and on the members of the public, knowing what bills they

have for pharmaceuticals, for doctors bills, for HMOs, for hospital care, all of the various expenses to keep us healthy.

We will, as we progress towards doubling this effort of funding, come to a point where we are also saving money. That should be good news because that is one of our duties as Members of Congress, not just to bring about an investment in trying to prevent disease but also to do it as economically and with as much saving of taxpayers' money as possible.

Just to give you an example, in 1994, the direct costs for cancer, in billions, \$41 billion was spent. Indirect costs, some \$68 billion. So the total cost for cancer in 1994, \$110 billion. What happens if we start to focus on certain cures and bring about a no cost to that kind of particular tumor or cancer that has taken the life of someone? We will not only have saved the life and other lives and prevent it, but the costs of health care go down proportionately.

Look at diabetes. In 1997, \$44 billion actually spent, \$54 billion of indirect costs, \$98 billion in costs for just that, in one year, 1997. As we know, diabetes, back to kidney disease and other consequences of diabetes, the costs and the effects all mount up to the detriment of the American people. We are out to stem the tide of these adverse effects on our fellow Americans. And so on and so forth.

Look at pulmonary diseases in 1998, \$21 billion. Kidney and urological diseases in 1985, \$26 billion. Stroke, \$28 billion. And so on and so forth. No wonder we have rising health care costs. All the more reason why we should be devoting our efforts, legislative and financial, fiscally, fiscal concentration, on defeating some of these diseases that plague us as they are doing. So we save lives and while we are doing it, not an inconsequential thing, we save taxpayers' money.

Now, what I want to do, also, is to mention here that in support of the NIH and all these efforts, about 10 years ago we developed a very unique lecture series here in the Capitol. The Biomedical Research Caucus as we framed it at that time was going to bring and has brought scientists of the first order to the Capitol to explain the latest developments and bring us up to date on what is happening in the field of women's breast cancer or Alzheimer's disease or Parkinson's disease. Just today, we had a wonderful lecture by astronauts and astronaut scientists, NASA scientists on microgravity and some of the things that are being discovered in space that help us here on Earth to early detection of certain diseases and prevention of other diseases, and the cure of some diseases.

Why? Because we are engaged in while we are funding space projects, marrying them to the National Institutes of Health so that the new science

of the space age can be adopted and adapted to human endeavors here on Earth, blending every new advance that we make, in space and on Earth.

Which brings me to something poignant in what we have been trying to say here. In one of our recent lectures on June 7, 2000, the subject was, just to give you an example, metastasis, how cancer cells invade the body. We all know what metastasis is. That is, a discovered tumor, even though excised from the body, can still result in the destruction of that individual, the death of that individual through metastasis, that it spreads to other vital parts of a body and the surgeons and the medical people are helpless to stem the tide of this metastasis, this spreading of the tumor.

Ironically, one of the stronger figures in our enterprise, a lady by the name of Belle Cummins, an attorney who has been helping us for years in all these projects and was very close to the scientists and to the legislators and knew the subject matter back and forth, was very helpful, as I say, on every detail of our massive enterprise here, herself was struck with cancer, a rare form of cancer, actually. But the cause of final death was the metastasis, the irreverent spreading of this cancer to other parts of the body which killed her and robbed us of a friendly agent in the gigantic enterprise in which we have found ourselves here.

The other kinds of subject matter we had, just in the year 2000, we have had some 90 sessions on Capitol Hill since we started this program and among the people who lectured to us were a handful, six or seven or eight, Nobel winners. I sometimes jokingly say they won the Nobel because they came and lectured to us, because we brought them to Capitol Hill. That is not exactly the case. But the point is that we have had the latest news that has been developed across the globe on the various diseases, from cloning and the genome project, the mapping of the human gene, all of these things are a part of the regular routine of our Biomedical Research Caucus, keeping all the Members of Congress aware of the various developments.

I see sitting with us one of the members of the Biomedical Research Caucus, as a matter of fact one of the co-chairs, the gentleman from Texas (Mr. BENTSEN). I wish to yield to him now for the purpose of adding his commentary to this special order.

Mr. BENTSEN. I thank my colleague from Pennsylvania for yielding. Let me say, Mr. Speaker, at the outset that the gentleman from Pennsylvania (Mr. GEKAS) is the real driving force behind this particular effort in doubling the NIH budget as well as in the entire Congressional Biomedical Caucus.

I think all Members of the House and the American people owe him a great debt of gratitude for the tireless work that he has put into this effort. I also want to join with him in his comments regarding Belle Cummins. It was a tre-

mendous loss to this effort and to many of us personally for the work that she had done in her tireless effort. She will be greatly missed. But perhaps in her loss, that should afford us the ability to redouble our efforts in trying to achieve the goal that she so much sought to see the Congress achieve.

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I also want to add, before I get to my prepared statement, my comments regarding the marriage of medical research and scientific research, because, in fact, in my congressional district that I have the honor of representing, it includes the Texas Medical Center and it abuts the Johnson Space Center; and the Texas Medical Center is the first biomedical research center of NASA.

It is a joint project between NASA and Baylor College of Medicine, Rice University and several other institutions, including some other institutions around the country.

This is something that the NASA administrator, Dan Golden, and his people came up with early on as an idea of how to leverage both the basic scientific research being done at NASA, with the medical research being done at our medical institutions with the hope that this type of leveraging can go on in other areas beyond medical research.

But it would not have happened, it would not have happened had it not been for the seed capital put in by the Congress through the National Institutes of Health and through the Medicare program and other programs that have established these academic medical centers which now are true laboratories for growth. It is a tremendous effort.

I want to say, I am not going to go through my whole statement, I will submit most of it for the RECORD, but I do have the honor of being one of the co-chairs with the gentleman from Pennsylvania (Mr. GEKAS), he is the real chair, we just work for him in this process. He is absolutely correct on H. Res. 437, a sense of the House that the House should provide an additional \$2.7 billion for the National Institutes of Health budget for fiscal year 2001.

This is one of the best things we could do in the United States in terms of what it does to continue to try and find cures for diseases that ail our populace and the populace of the world. People do not realize that we have a quarter of a million people who come to this country every year seeking medical treatment, because we have the best medical treatment in the world in the United States, and that is because of the leverage done off of the NIH.

This resolution would help to ensure that more scientists and doctors and researchers have the resources to conduct the cutting edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded, and this additional investment would allow us

to increase the number awarded each year and ensure, particularly, that the younger scientists have the resources that they need to find the cures to save the lives of so many Americans.

I am also convinced that this additional 50 percent investment in NIH is being wisely used. There are more than 50,000 scientists across the United States who directly benefit from NIH research funds.

At the Texas Medical Center, which I mentioned is in the district I represent, there was a total of \$289 million funded through the NIH for clinical research projects in fiscal year 1999 alone. For many of these scientists, the NIH funding is critically important to funding their research and without it, they would not be able to test new therapies.

Today with many academic medical centers struggling to maintain their mission of training our Nation's health care professionals with the advent of managed care, providing quality health care services and conducting clinical research, it is critical, it is critical that they have adequate resources from the NIH.

Mr. Speaker, I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. There are not many government programs we can find that have that kind of yield on investment.

The government funds the basic research with which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes and heart disease and the like.

A lot of our colleagues may say, why should we not just allow the private sector to fully fund this? The fact remains that there is a lot of research where the private sector will not go. The risk is far too great, and there is a large gap there, which only a public entity, in this case, the Federal Government, can fill that gap.

It can underwrite that risk and, yet, even doing that, we know that there is a tremendous return, not only in the better well-being and health of our citizens, which should be our first concern, but there is an economic return in the long run to the general economy of the United States, and that is a benefit I think all of us can be proud of.

Let me just finally say that we are all extremely excited with the announcement just this past month that the scientists who were mapping the human genome have made significant discoveries and are on the cusp of finalizing that project.

I was honored that Baylor College of Medicine is one of the three research organizations that are part of the NIH program. I met with the officials from the researchers from Baylor on numerous occasions about this program that they are doing, and I know that at one point it appeared there was a race between the Federally funded project

with worldwide assistance and the private project that was being done. But I think it goes without saying, had NIH not been there at the beginning, not funded this, we would not have seen a private entity come in to it.

Furthermore, and I have talked with many of the researchers about this, had there not been a Federal public domain involvement in something as critical as the human genome project, I think it is unlikely that we would have had the early commitment that the data that has been found will be data that is part of the public domain and not something that is down at the Patent Office that says that the future treatment that can be so critical to the future well-being of the American citizenry is something that we would have to go through a copyright and pay a premium for as opposed to something that we as Americans can all enjoy the opportunity of.

So I think it is a testament to the work of the NIH, and I would just say to my colleague, the gentleman from Pennsylvania (Mr. GEKAS), that, once again, on this particular issue, and there are other issues as well, but on this particular issue, he is very much on the right track, taking a leadership role in saying that the United States taxpayers should put its resources behind funding and doubling the budget for the NIH.

We get a tremendous return for our well-being, and I commend the gentleman for once again taking the lead on this and this resolution. I look forward to continuing to working with him on this until we achieve that goal of doubling it over the 10-year period.

Mr. Speaker, I rise today in strong support of H. Res. 437, a Sense of the House of Resolution that the House of Representatives should provide an additional \$2.7 billion for the National Institutes of Health (NIH's) budget for Fiscal Year 2001. This \$2.7 billion investment would be the third installment on our five-year effort to double the NIH's budget.

As one of four Co-Chairs of the Congressional Biomedical Caucus, I have strongly supported providing maximum resources for biomedical research conducted at the NIH. This \$2.7 billion investment in NIH's budget will help to save lives and improve our international competitiveness. Our nation's biomedical research is the envy of the world, but we must continue this investment to ensure that we maintain this preeminence.

This resolution would help to ensure more scientists have the resources they need to conduct cutting-edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded. This additional investment would help us to increase the number of grants awarded each year and ensure that young scientists have the resources they need to save lives and cure diseases.

I am also convinced that this additional 50 percent investment in the NIH is being used wisely. Today, there are more than 50,000 scientists who directly benefit from NIH research funds. At the Texas Medical Center, which I represent, the NIH provides a total of \$289 million for clinical research projects in Fiscal Year 1999. For many of these scientists, the

NIH funding is critically important to funding their research. Without it, they would not be able to test new therapies. Today, many academic health centers are struggling to maintain their mission of training our nation's health care professionals, providing quality health care services, and conducting clinical research. As managed care plans reducing reimbursements for health care services, the NIH funding helps to ensure that this mission is achieved.

I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes, and heart disease.

As the representative for the Texas Medical Center, one of our nation's premiere research centers, I have seen firsthand that this investment is yielding promising new therapies and treatments for all Americans. Just this month, it was announced by Baylor College of Medicine and 2 other research organizations have reached their goal of mapping the human genome. With this genetic map, researchers will have the information they need to develop new treatments to cure diseases such as cancer, heart disease, AIDS, and Alzheimer's. At Baylor College of Medicine, the NIH funding is leading to new information about pediatric AIDS treatments, tuberculosis, and prostate cancer treatments.

As a member of the House Budget Committee, I coauthored an amendment to add \$2.7 billion to the NIH's budget. Although the NIH amendment was not successful, I believe it is critically important to continue to remind my colleagues of the potential for success with more investment in biomedical research. For many families, maximizing the NIH budget is an important part of their efforts to fight and beat chronic diseases such as heart disease and diabetes. As we learn more about the molecular basis for disease, we can bring new tools to defeat diseases and save lives.

As part of the Congressional Biomedical Caucus, we have also sponsored luncheons to discuss biomedical topics in Congress. These well attended luncheons provide an opportunity for Congress and staff to learn about new research programs which have been funded by the NIH-sponsored grants. This first-hand information will help to highlight how well these resources are being used.

I strongly urge the House of Representatives to support and become a cosponsor of H. Res. 437, legislation that would provide \$2.7 billion more for the NIH's budget as part of the Fiscal Year 2001 budget process.

In a related matter, a conference is currently meeting to reconcile the differences between the two versions of Fiscal Year 2001 Labor, Health and Human Services, and Education appropriations bill. I am concerned that the House bill includes \$18.8 million, a 6 percent increase above this year's budget. However, I am pleased that the Senate appropriations bill includes the additional \$2.7 billion investment in the NIH that we need. I strongly urge my colleagues in this conference committee to adopt the Senate funding level so that the NIH's budget will be doubled over five years.

Mr. GEKAS. Mr. Speaker, we thank the gentleman from Texas (Mr. BENTSEN) for his very valuable contribution.

There is something I always wanted to put in the RECORD to how we got started on this tremendous effort on behalf of the National Institutes of Health, and after a number of searches of memory as to how this all began, we concluded that the starting point was an article written by scientists interested in expanding the avenue towards increased research.

In 1993, the magazine Science published a call for action by two Nobel Peace Laureates and other science leaders like Dr. Michael Bishop, Harold Varmus and Mark Kirschner, who at that time pleaded with their government and their Congress to double the amounts of Federal funding for the basic research being undertaken by the National Institutes of Health over a period of 5 years.

This was not the enterprise of some creative lobbyists, but rather born from the thoughtful rationale and scientific deliberations of some of the foremost minds in science.

When Members of this great Chamber consider their votes for the consistent and substantial increases in funding of basic research at the National Institutes of Health and the National Science Foundation, they can rely with great confidence on the fact that these scientists placed their entire reputations on the line in making recommendation that the government and the Congress continue to expand their investment of Federal dollars in basic research. So there we have it.

Dr. Kirschner, Bishop and Varmus preeminent scientists who thought it would be a great idea if we could double the effort of the NIH to get scientists to focus on new research and continued expanded research. We seized upon that, certain Members of Congress, and thought that was a light bulb for the Congress upon which to become enlightened as to progress that can be made.

And from that, emerged the effort about which we speak here tonight, the resolution to double the effort. We picked up adherence and supporters in the Senate of the United States, and lo and behold, again, we are here tonight reporting to the American people that we are intent on moving along on this spiraled staircase towards doubling the funding of the NIH within 5 years.

The 3rd year is here upon us, next year we will come back to these Chambers and see how far we have gotten and be able to report to my colleagues even more progress.

Mr. Speaker, the last item that we wish to record for my colleagues are some of the recommendations that have come out of the scientific dialogue on this important question. These great scientists stated, and I quote, in part, if the United States is to realize the promise of science for our society, the new administration, this was back in 1993, should take action on several fronts, and here are bits and pieces of these several fronts, develop an economic strategy for optimizing

investment and biomedical research, and what we are saying is, the doubling of the funding of NIH is one of those strategies.

Number two, generate a comprehensive plan for the best use of Federal funds for biomedical research; implicit in what we have said.

Institute a mechanism for the periodic evaluation of peer-review procedures utilizing scientists from inside and outside the government. That is very important in the world of health care, because if one scientist says a-ha, I can cure brain cancer overnight, that has to be evaluated and reviewed and criticized and analyzed, et cetera.

The American people know that we have a system in place that has checks and balances in everything we do, not the least of which should be in the discoveries or research breakthroughs that we see now on a daily basis.

They go on and say facilitate the application of fundamental discoveries by encouraging technology research in the private sector; that goes without saying. Strengthen the position of the Presidential advisor on science and technology, increase Federal attention to science education.

Do you know what? Without knowing it, it just dawned on me that about 2 years ago I introduced a concept, and it is in legislation and heading for a hearing in September, on something akin to this, that is, I believe that in the 20th century, the one which was just engulfed us in so many conflicts, so many tears, but so much progress at the same time, this century, our country was faced with one gigantic goal, that goal was to overturn tyranny and repression and to advance democracy, to repel tyrannical governments, Communism, Naziism, all of the tyrannical forms that have hurt us so blatantly across the years. Our goal as a Nation was to repulse all of that and to establish and reestablish and ferment democracy throughout the remainder of the world.

It dawned on me we ought to be stating a goal for the next century, for the 21st century. What should that goal be for the United States of America? In my judgment, it should be the eradication of disease from the face of the Earth.

Mr. Speaker, now the goal of repulsing tyranny and establishing democracy was worthwhile, we would not be in a position where we could even talk about eradication of disease as in a new goal, but listen to what has happened. Our country is the foremost in every endeavor of the human mind can generate, in everything. We are the superpower. We are the supersuperpower in everything. We do not want to be just the superpower in military strength, we have the capacity now to lead the world in those efforts that can lead to the eradication of disease.

Now, I mentioned this to Dr. Harold Varmus, who later became the director of the National Institutes of Health, and now most recently has transferred

his talents to Sloan Kettering in New York, a renowned scientist, a Nobel winner.

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I mentioned this to him while he was director of NIH, that we ought to try to do something to try to eradicate disease across the face of the Earth. He said, "George, I don't think we can actually eradicate every disease." I said, "I know that, Harold. I know though the effort has to yield progress in the eradication of disease, even if we fall short of total eradication of every disease known to mankind."

But the point is that should be the national goal. And if you look at it again, in rounder terms, the goal of eradicating disease that the United States would undertake would be in its own self-interest, its own enlightened self-interest.

Why? While we are trying to eradicate disease or leading the world in those efforts, we are producing new pharmaceuticals, new biotechnology devices, new methodologies for treating disease, for discovering new anecdotes, et cetera. While we are doing that then, we are creating economic fervor, economic opportunities and economic expansion, enterprises of every stripe while marching down the road towards leading the world, leading mankind, in the eradication of disease.

We are number one in biotechnology now, number one in biomedical research, number one in every effort leading towards these things. Why not then move towards this goal about which I speak?

Let me tell you that my bill, the one I have introduced and on which a hearing will be held, as I said in September, would create a commission of the greatest experts our country can produce on how we can begin this worldwide enterprise of eradicating disease from the face of the Earth. It would employ every sector of our country and all its citizenry, from teaching children in first grade about washing their hands before meals and in washing their hands as often as possible, a simple little gesture, as part of a global strategy to eradicate disease, not to mention space exploration and all of the other things about which we have made mention here today.

So from washing one's hands in kindergarten to climbing to Mars in 3 years, all of these things can be a part of the global effort on the part of the United States to eradicate disease from the face of the Earth; and these members of these commissions, the commission that I envision through this legislation, could create the steps necessary to begin that enterprise.

We have been joined by the gentlewoman from North Carolina, is that correct?

Mrs. CLAYTON. That is correct.

Mr. GEKAS. I get North and South mixed up once in a while.

Mrs. CLAYTON. South Carolina is good, but North is even better.

Mr. GEKAS. I yield to the gentlewoman.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his leadership on this issue and allowing me to participate. I think this issue that the gentleman brings before us is exciting and has great potential and is critical and needed.

Mr. Speaker, I strongly support the gentleman from Pennsylvania (Mr. GEKAS) and others in their effort to double the funding for the National Institutes of Health for research in the biomedical field. Research today will be the basis for the discovery of treatments and prescription drugs that will provide much needed benefits tomorrow.

Passive investments in biomedical research have resulted in better health and improved quality of life for all Americans, as well as a reduction in national health care expenditures. The Federal Government represents the single largest contributor to biomedical research conducted in the United States and must continue to play a vital role in the growth of this national biotechnology industry.

The National Institutes of Health is prepared to lead us into a new era of molecular medicine that will provide us with unprecedented opportunities for the prevention, the diagnosis, the treatment, the cure of all diseases that currently plague our society.

Currently more than 297,000 Americans are suffering from AIDS, and hundreds of thousands more with HIV infections. These Americans, although still facing serious and life-threatening health problems, can benefit from biomedical and biotechnology advances in the treatment of HIV. Biomedical advances assist in providing assurances of more effective and accessible and affordable treatment for persons with HIV and the hope of arresting the disease until a cure is discovered.

Patients with debilitating diseases such as osteoporosis and diabetes, or life-threatening cervical, breast, and prostate cancer will benefit from the further understanding of the principles of biometrics. The development of new hard tissue, such as bone and teeth, as well as the study of soft tissue development, holds great promise for the design of new classes of bio-materials and pharmaceuticals, and the diagnosis and analytical reagents for use in the treatment of disease and their side effects.

We are on the dawn of a biomedical revolution, and most Americans show overwhelming support for an increased Federal investment in biomedical research to improve the quality of their lives and of world citizens.

Again, I support the request to increase by \$2.7 billion the budget to the National Institutes of Health to fund biomedical research. American biomedical researchers should not have to wait any longer than necessary to begin the new generation of discovery that awaits them and to benefit the

overall health of our great Nation and the world.

Again, I thank the gentleman for allowing me to participate.

Mr. GEKAS. I thank the gentleman.

Mr. Speaker, to bring to a close our special Special Order, I just want to repeat some of the promises that lie ahead with the continued development of our research capability: new ways to relieve pain, that goes without saying; medications for the treatment of alcoholism and drug addiction; clinical trials database to help the public gain access to information about all of these trials through the Internet and through other devices that we have.

I see our colleague, the gentleman from Iowa (Mr. GANSKE), who is seated here, ready to take a Special Order on his own. Just today he and I had a discussion about the Patients' Bill of Rights and the pharmaceuticals and all of that, which is a part of all of this; and I maintain if we can pass our bill and establish this commission to look at all the phases of health care for the eradication of disease, that the plight of our teaching hospitals, patient care, pharmaceuticals, everything that worries us on a daily basis, can be placed in a proper order to take the lead globally in the eradication of disease.

Mr. PACKARD. Mr. Speaker, I urge my colleagues to support increased funding for the National Institutes of Health (NIH). The NIH is the pre-eminent biomedical research enterprise in the world, relied on for its innovation by countries spanning the developing and industrialized world. The vast bulk of the NIH funding we appropriate goes to the large medical research institutions in this country that lead the fight against disease and illness.

The NIH has always enjoyed strong bipartisan support from Congress. An increase in NIH funding would accommodate substantial increases in the grants, training awards, and infrastructure improvements that are critical to the continued success of medical research. Additional funding would also give the NIH a greater ability to disseminate information on new breakthroughs to patients and health care providers. NIH researchers are on the verge of tremendous new discoveries in science and medicine.

Mr. Speaker, I again urge my colleagues to continue their support for the NIH in the best way possible—by increasing funding.

Mr. LAFALCE. Mr. Speaker, the National Institutes of Health benefits all Americans, and we should all be proud of the research work that they do. Thanks to the scientists, doctors and other professionals at NIH, we are closer than ever before to finding cures and improved treatments for diseases like Alzheimer's, diabetes and cancer. We need to show our unwavering commitment to the NIH and the important work that they do. That is why I strongly support doubling the NIH budget.

In addition to the countless health benefits that this will bring to the American people, it will result in savings as well. Every dollar that we invest, particularly in preventive medicine, will reduce hospitalization and the costs of treating a disease that we can cure. Diabetes is a prime example of this. It is estimated that

one out of every ten health care dollars in the United States and one out of every four Medicare dollars is spent on diabetes care. If we invest enough money to follow all the promising leads that the congressionally-mandated Diabetes Research Working Group has identified, we can cure this disease. We should do that. Just think what it would mean to the 16 million Americans, and their families, who suffer from this disease. As Vice-Chair of the House Diabetes Caucus, I urge all of my colleagues to support this investment in finding a cure. And it truly is a cost-effective, life-saving investment. In this time of unparalleled prosperity, there is no reason that we can't do it.

Alzheimer's, arthritis, multiple sclerosis, osteoporosis, diabetes, cancer, autism, macular degeneration and on and on—we all have family, friends, constituents who are affected by these diseases in one way or another. Particularly as our older population continues to grow, we need to increase our commitment to health care. An appropriate investment now, when the resources are available, will translate into immeasurable savings, both in human life and in dollars, down the road.

This is truly an investment in our future. Let's make this commitment and let science show us how we can all live healthier, happier, longer lives.

Mr. FILNER. Mr. Speaker, I rise today in support of doubling the budget of the National Institutes of Health to further life-saving research.

The world is at the cutting edge of biomedical research breakthroughs that will alter forever the age-old battle of humans against disease. The discovery of cures for most life threatening diseases can, and will, be achieved in our lifetime. But, we can cross that ultimate frontier of an improved quality of life for all Americans only if this Nation commits itself to funding biomedical research at a sufficient level to do the job.

Mr. Speaker, we can demonstrate our collective resolve to accomplish that result by doubling the funding for the National Institutes of Health.

Our research is beginning to pay off. Hundreds of new drug discoveries are rapidly making their way through clinical trials. Through the concerted genome effort, we will in a very short time have effectively decoded the enormous amount of DNA sequence information that forms the blueprint for human life. The developing field of proteomics will provide the tools to understand the function of proteins produced by genes. The quantity and quality of targets for the development of new drugs will be increased by a factor of previously unbelievable proportions. In addition, progress is being made in learning how to stimulate the immune system itself to fight cancer and other diseases. Immunotherapy, and gene therapy, as demonstrated by the scientists at the Sidney Kimmel Cancer Center in San Diego, are beginning to unlock the secrets of how to effectively combat disease in virtually every cell of the body. Anti-angiogenesis—a process which prevents the formation of new blood vessels which feed the cancer as it multiplies—offers great hope. The progress being made in San Diego research institutes suggest that the accelerating pace of laboratory discoveries will soon be translated into innovative treatments. In San Diego, basic science breakthroughs are happening at the University of California, San Diego (UCSD)—one of

the largest recipients of NIH funding in the country—and also at the Salk Institute, the Burnham Institute, and the Scripps Research Institute. And, the most dramatic results of these scientific advances may be demonstrated when they work in combination with chemotherapy, radiation, and surgery.

At the University of California at San Diego, for example, Dr. Mark Tuszynski has received approval from the FDA to test a form of gene therapy in humans with the dreaded Alzheimer's disease. Alzheimer's now afflicts 4 million Americans, a number which is projected to grow to 8 million in this country alone by the year 2020. Dr. Tuszynski will surgically implant genetically modified cells into the brains of human volunteers to determine if we can slow the progression of Alzheimer's disease and enhance the function of some of the remaining brain cells.

Mr. Speaker, charitable contributions and the scholarship of great universities and research institutes play important roles in the evolution of our scientific success. It is through the investment of significant Federal dollars in the National Institutes of Health that we can combine all of these positive forces to realize the medical miracles on our horizon. NIH promotes the research and coordinates the science. NIH helps to develop new skills of scientific investigators, and provides the stimulus for the emergence of new technologies.

I am privileged to represent San Diego, the biotech capital of the world. What we do in San Diego in collaboration with scientists around the globe will enhance life itself at a time in history when life is most worth living.

Now is the time to redouble our investment in biomedical research. America is at peace, our economy is prospering, our citizens are gainfully employed, our budget is balanced, and our surplus is real. There is no excuse to ignore what Americans want more than anything else: the cure of diseases which inflict death, pain, suffering, and economic distress to almost every family.

Mr. Speaker, let's do it; let's do it now.

Mr. CUNNINGHAM. Mr. Speaker, I am grateful to the gentleman from Pennsylvania (Mr. GEKAS) for arranging this special order tonight, to focus on the importance of doubling America's investment in health research over the next five years.

I am honored to be a cosponsor of his resolution, H. Res. 437, expressing the sense of Congress on how to accomplish our goal of doubling our national investment in health research. This research is the gift of America's hard-working taxpayers to this generation and the next—not just to Americans, but to the world.

Furthermore, for us to take fullest advantage of this investment, we must take care to invest it wisely. So in addition to increasing our work in basic health research at the National Institutes of Health, we should treat in a similar fashion our investment in the Centers for Disease Control and Prevention, and in the programs of the Health Resources Service Administration, which are vital to putting in practice the things we learn through basic health research. As a strong fiscal conservative, and as a member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, I am committed to working with my colleagues to achieve these goals within a limited federal budget.

Rather than to address this issue myself, I have asked several of my constituents and leaders in the field of health research to address this issue themselves. With the consent of the gentleman from Pennsylvania (Mr. GEKAS), I would like to insert in the RECORD at this point several letters, e-mails, and notes that describe in further detail the importance of doubling our investment in health research.

Mr. Speaker, I submit the following letters for the RECORD.

CHIRON CORPORATION,
Emeryville, CA, June 14, 2000.

Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of Chiron Corporation's Blood Testing Division, I appreciate this opportunity to convey our support for increased funding for biomedical research.

Chiron Corporation, headquartered in Emeryville, California, is a leading biotechnology company with innovative products in three global healthcare markets: biopharmaceuticals, vaccines and blood testing. Chiron, and its partner, Gen-Probe Incorporated of San Diego, formed a strategic alliance in 1998 to develop, manufacture and market genomic nucleic acid testing (NAT) for detection of blood transfusion associated viruses such as Human Immunodeficiency Virus (HIV) and Hepatitis C Virus (HCV).

Genomic NAT is the next technological advance in ensuring the safety of the nation's blood supply. It detects small amounts of virus in donated blood before antibodies or viral proteins are detectable by current blood screening technologies. Today's blood testing methods depend solely on the detection of these antibodies or viral proteins, so newly infected donors may escape detection during the "window period" between infection and appearance of these serologic markers.

Since April of 1999, the Chiron-Gen-Probe partnership has been supplying NAT reagents, instrumentation, training, and technical support to U.S. blood centers performing NAT under FDA approved clinical protocols. The Chiron Procleix HIV-1/HCV Assay is currently utilized to screen approximately 75% of all volunteer blood donations in the U.S. In addition, the Armed Services Blood Program now routinely screens blood donations with the Chiron assay.

Genomic NAT testing has already increased the safety of the U.S. blood supply. In less than one year, testing by Chiron's system alone has detected 28 infected HCV donors and 4 HIV-1 infected donors. Identification of these infected donors prevented the potential transfusion of over 100 HCV and/or HIV-1 infected units of blood components. Scientific studies estimate that genomic NAT may reduce the window period of potential HCV infection by 70% and by nearly 50% for HIV. Recent studies also indicate that genomic NAT, when used on individual donor samples, may close the Hepatitis B Virus (HBV) window by 50% (as much as four weeks) compared to currently available tests.

Implementation of NAT has required the utilization of many new scientific inventions and innovations. One historic discovery in this effort was the genomic mapping of the HIV and HCV viruses by Chiron scientists. Gen-Probe Incorporated developed new high throughput genomic amplification and detection technologies known as TMA, that are required to detect very low levels of viruses in blood donations.

The National Heart, Lung, and Blood Institute of the National Institutes of Health contracted with Chiron's partner, Gen-Probe In-

corporated, to develop genomic NAT testing assays and automation. All of these factors in combination have led to the development of genomic NAT as the new world standard in blood screening technology, and offers the promise of providing Americans a blood supply that is safer from risk of HIV, HCV and HBV transmission.

HCV is becoming a significant public health concern, both here in California and elsewhere. Despite these remarkable advances in blood testing and safety, our work is not complete. There are new viral strains that may contaminate our blood supply. The immensely important genomic amplification technologies are at the beginning of their technological life cycle. It is vitally important that the U.S. Government continues, and increases where possible, its investment in these areas of biomedical research.

Thank you again for the opportunity to provide Chiron's comments on this important public policy issue.

Sincerely,

RAJEN DALAL,
President,
Chiron Blood Testing Division.

POWEY, CA,
June 14, 2000.

DEAR CONGRESSMAN CUNNINGHAM: I am a 47 year old woman. My diabetes was discovered 40 years ago. I should be dead! Due to the advances in health research I am not only alive but a success despite my physical challenges.

I am a speaker for UCSD transplantation and animal research program. I should have died at the age of 15, being unconscious and having extremely high, unexplained blood sugars. I survived that challenge and then later went on to college supported by the Rehab. center for the blind in Connecticut. My kidneys failed as I was receiving my BA in Psychology and BS in Business. (Double Major). I then moved to San Diego and received my first kidney transplant. My right leg was amputated as I was in Graduate school. As I was finishing Graduate school I received my first Service dog for Physical assistance.

To make a long story short. I am able to drive with one good eye—medical research. I can walk, but do use a wheelchair, to reserve energy. I am now a licensed Marriage and Family Therapist!!! (long haul and Hall) AND I have founded and co run with my fiancé, Leashes for Living Assistance/Service Dogs. A unique program enabling the challenged to train their own Service Dogs.

Without medical and health research I would not be able to give back so much to the community. I pride myself in the fact that along with the medical teams, I have worked hard to stay alive . . . and now am able to help others live happier and healthier lives despite their challenges.

With my highest regards for your endeavors,

CYNTHIA CLAY.

POLYCYSTIC OVARIAN
SYNDROME ASSOCIATION, INC.,
Rosemont, IL, June 14, 2000.

Rep. RANDY CUNNINGHAM,
Rayburn Bldg.
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM, We at the Polycystic Ovarian Syndrome Association, Inc., or PCOSA, would like to add our voices in support of House Resolution 437, sponsored by Rep. George Gekas from Pennsylvania.

Polycystic Ovary Syndrome (PCOS) is a little understood endocrine disease that affects as many as 1 in 10 women and yet continues to be misdiagnosed by doctors. Recent research strides point only to the need for more research, education and raised aware-

ness about PCOS, which is the leading cause of infertility and puts women at risk for type II diabetes, endometrial cancer, and cardiovascular disease. PCOSA is an international non-profit organization dedicated to the education and support of women with PCOS and their healthcare providers.

Dr. R. Jeffrey Chang, at the University of California at San Diego is a pioneer in the research and education of women and doctors about PCOS. Having edited one of the few texts on the subject for doctors, he remains a strong voice for women's health care. At our recent membership conference in San Diego, Dr. Chang spoke to patients and other doctors, and was even able to explain this complicated syndrome to members of the San Diego press. He is a tremendous asset to endocrinology and to California.

It is imperative that Dr. Chang's research, and that of his colleagues searching for the cause and treatment of PCOS, continue to be supported by the NIH until we understand the disease and have an answer for every single woman that suffers from it.

With Best Regards,

CORRINA P. SMITH,
Dir. of Media Relations.

UNIVERSITY OF CALIFORNIA, SAN DIEGO,
La Jolla, CA, June 12, 2000.

Hon. RANDY DUKE CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR DUKE, I am writing to urge you and your colleagues to support an increase in funding for the NIH for FY2001 that will keep us on track for doubling in five years. In spite of our continued and spectacular recent progress in the fight against disease, too many of our friends and loved-ones die prematurely or suffer needlessly from diseases that we could defeat if our research efforts could proceed more swiftly. This year alone, I have already lost one dear friend to a premature death from cancer, and several other friends are literally in a fight for their lives. I have also received many phone calls and letters from people afflicted with presently incurable diseases, but where research holds hope for treatment in the not too distant future. Better and faster biomedical research is clearly the best answer for these people. It is only by understanding fully the cellular and molecular basis for disease that we can then develop effective therapeutic strategies.

As you know, the House and Senate have been working toward the goal of the doubling of NIH by the year 2003. Congress has provided the necessity 15% increases over each of the past two years to meet this important goal. For FY2001, Congress must provide an increase of \$2.7 billion in order to reach the doubling goal. These funds are critical for our continued rapid progress in the battle against cancer, diabetes, ALS, Alzheimer's and other diseases affecting millions of Americans.

I know that you share my belief that biomedical research and our fight against disease is one of our most important national priorities. I look forward to working together with you in the future on this important battle.

Sincerely,

LAWRENCE S.B. GOLDSTEIN, Ph. D.

Mr. CAPUANO. Mr. Speaker, I would like to take a moment to thank my colleague from Pennsylvania, Mr. GEKAS, for arranging tonight's special order, as well as the distinguished chairman of the Labor-HHS-Education Appropriations Subcommittee, Mr. Porter, for his work and dedication in support of biomedical research at the National Institutes of

Health (NIH). I believe it is essential that Congress move forward in its commitment to double the research budget at the NIH. Currently, scientists at the NIH are developing cutting-edge treatments for hundreds of diseases, including cancer, Alzheimer's, and diabetes. Increased funding for medical research and development will allow millions of Americans to lead healthier lives. I, therefore, rise in support of efforts to provide a 15% increase for NIH in FY2001. This increase will mark the third installment of the plan to double the NIH budget over a period of five years.

Each and every day, researchers at the NIH succeed in making important discoveries about the human body and the diseases that may effect it. These scientists work tirelessly to develop cutting-edge technologies that push the envelope of human capacity.

For FY2001, the NIH have developed four critical initiatives. These include: (1) Genetic Medicine—this involve the mapping of the human genome and the subsequent gene therapy. Advances in the treatment of cancer, chronic illness, and infectious disease may be possible through this work; (2) Clinical Research—this initiatives reinforces the goal of turning the results of laboratory research into treatment for patients; (3) Fostering Interdisciplinary Research; and (4) Eliminating Health Disparities. These four areas of scientific research present incredible opportunities that have the promise to generate tremendous benefits in the future. Providing increased funding for biomedical research today will allow millions of Americans to lead healthier lives tomorrow.

With this in mind, I urge each of my colleagues to support funding the full 15% budget increase for the National Institutes of Health.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of increasing the Federal Government's commitment to biomedical research through the National Institutes of Health. As chairman of the Health and Environment Subcommittee of the House Commerce Committee, and as a member of the Congressional Biomedical Research Caucus, I am a strong advocate of this agency's vital mission. I have joined many of my colleagues in supporting efforts to double federal funding for the NIH.

The NIH is the primary Federal agency charged with the conduct and support of biomedical and behavioral research. Each of its institutes has a specialized focus on particular diseases, areas of human health and development, or aspects of research support. When we consider its role as one of the world's foremost research centers, it is amazing to remember that the NIH actually began its existence as a one-room Laboratory of Hygiene in 1887.

Medical research represents the single most effective weapon against the diseases that affect many Americans. The advances made over the course of the last century could not have been predicted by even the most farsighted observers. It is equally difficult to anticipate the significant gains we may achieve in years to come through increased funding for further medical research.

Last year, Congress gave a substantial increase in funding to the NIH. The fiscal year 2000 omnibus appropriations law provided \$17.8 billion for the NIH—an increase of \$2.2 billion or 14 percent over the previous fiscal year. This increase represents a sizable down payment toward the goal of doubling its fund-

ing over 5 years. This year, I am hopeful that we can make similar progress in that regard.

As we work to increase Federal funding, I am also sponsoring legislation to encourage private support for NIH research efforts. My bill, H.R. 785, the Biomedical Research Assistance Voluntary Option or "BRAVO" Act, would allow taxpayers to designate a portion of their federal income tax refunds to support NIH research efforts. I introduced the bill on a bipartisan basis with the ranking member of the Health and Environment Subcommittee, Mr. BROWN of Ohio.

Mr. Speaker, every dollar invested in research today will yield untold benefits for all Americans in years to come. Indeed, our own lives might some day depend on the efforts of scientists and doctors currently at work in our Nation's laboratories. I urge all Members to join me in supporting a strong Federal commitment to biomedical research.

Mr. LEVIN. Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle to talk about the importance of doubling the funding for the National Institutes of Health over the next 5 years. As we all know, we have already made two down payments on this goal, first in 1999 and again in 2000. Unfortunately, last month the House approved a Labor-HHS-Education bill which significantly backtracks from our commitment. We must insist on a bipartisan basis that this serious underfunding is corrected in conference.

I support full funding for the NIH on behalf of all of my constituents who struggle with illnesses that we do not fully understand. I know, as they do, that the work of NIH-funded scientists offers their best hope for a cure. At the same time, each year NIH researchers uncover new information which helps doctors better treat patients with heart disease, cancer, diabetes, mental illness, and many other terrible diseases.

The National Institutes of Health fund well over a third of all biomedical research in the United States. But NIH's role goes well beyond that, because NIH is the primary funder of all basic research. Basic research, which is generally focused on discovering new scientific principles, often cannot be patented and is therefore not appealing to for-profit companies. But basic research provides the building blocks on which new treatments and cures are built. Of the 21 most important medications introduced between 1965 and 1992, 15 were developed using tools from federally funded research. Seven were directly developed by government-funded researchers.

One of these exciting new drugs, Cisplatin, was developed by researchers in my home State at Michigan State University. Working with NIH's National Cancer Institute, biophysicist Barnett Rosenberg developed Cisplatin, an anti-cancer drug which cures sixty to sixty-five percent of testicular cancer cases and reduces risk of death by fifty percent when used to treat cervical cancer. Without NIH's expertise and resources, Dr. Rosenberg might not have been able to complete the pharmacology, toxicology, and clinical trials needed to get this drug to the cancer patients who need it.

Each year that we increase funding for NIH, we make possible more discoveries like this and we make sure that the public benefits from those discoveries. Currently, the economic cost of illness in the United States is estimated at about \$3 trillion. An annual ap-

propriation of \$16 billion—less than 1 percent of the Federal budget—is a small price to pay to maintain NIH's strength in controlling and curing disease. I hope that all of my colleagues will join with me and the other members of the Congressional Biomedical Caucus in supporting full funding for the NIH and medical research.

Mrs. MALONEY of New York. Mr. Speaker, I join my colleagues in support of doubling the NIH budget for fiscal year 2001.

I thank my colleague GEORGE GEKAS for organizing this special order. This is one budget that affects every single American. Whether it is diabetes, Alzheimer's, cancer, or safe childbirth, the NIH is there as a shining star to protect our Nation and help us understand and treat dreaded diseases.

One of the diseases that NIH researchers feel could be cured in a matter of years is Parkinson's disease. I am proud to be the founder and co-chair of the Congressional Group on Parkinson's Disease with my friend and colleague FRED UPTON. We are so close to a cure for this disease.

Leading scientists describe Parkinson's as the most curable neurological disorder. Breakthrough therapy or—perhaps a cure—is expected within a decade. When have researchers ever said that they think they can cure a disease in 10 years?

I would like to focus my remarks tonight on the importance of giving NIH the largest increase possible. Specifically, I have been advocating for \$71.4 million to implement NIH's Parkinson's Disease Research Agenda. During last year's appropriations debate, we were successful in including language to support the development of this research agenda for Parkinson's disease.

It truly is a roadmap for what needs to be done in the next 5 years to beg to a cure. I have spearheaded a letter to the conferees asking for the \$71.4 million needed in the first year to enact this research agenda. I am very hopeful that we will get this money in the budget this year. But if we don't, I will introduce legislation requiring this plan be funded in its entirety.

Finally, I just want to mention that I am anxiously awaiting the release of the final guidelines on stem cell research. We worked hard in Congress this year to not let stem cell research get politicized. We stood firm that Parkinson's disease—along with diabetes, ALS, and a host of other diseases—must not be held hostage to extremists in Congress. I will continue to work for prompt implementation of this critical research when the guidelines are finalized. I thank my colleagues again for organizing this special order.

Mr. GEKAS. Mr. Speaker, reluctantly, because I am having a good time here, reluctantly, I am looking around, I see no other recourse except to yield back the balance of my time.

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GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Special Order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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IMPORTANT HEALTH CARE ISSUES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

HMO ABUSES

Mr. GANSKE. Mr. Speaker, tonight I am going to talk about two important health care issues that are facing Congress. One concerns HMO abuses, and the other concerns the number one public health problem in the country, and that is the use of tobacco.

Mr. Speaker, about 8 months ago on the floor of this House we had a momentous debate for about 2½ days on patient protection legislation; and at the end of that debate, 275 bipartisan Republican and Democratic Members of this Congress voted to pass the Norwood-Dingell-Ganske bipartisan consensus Managed Care Reform Act of 1999. Nearly every nurse, nearly every dentist, nearly every doctor who is a Member of this body voted for that.

Well, what has happened since then? Very little. A conference committee was belatedly named to try to get agreement between the bill that passed the House, the strong patient reform bill, and the bill that passed the Senate, which was more an HMO reform bill.

Unfortunately, nothing much is going on in that conference now. I do not think they have met for probably about 2 months. There has been a paucity of public meetings. But a few weeks ago the issue was brought back to the floor of the Senate and a GOP HMO bill was added as an amendment to a bill, and it passed, just barely. It was the Nickles HMO amendment.

I would have to advise my colleagues that that GOP Senate bill that passed a few weeks ago by a margin of about one or two votes is worse than no bill at all. In fact, it is an HMO protection bill, not a patient protection bill. Would Members like to have some proof of that? Well, let me tell my fellow colleagues about some of the things that HMOs have been doing that have been documented in a recent article in *Smart Money* magazine in their July issue.

Consider the case of a man named Jim Ridler. It was shortly after noon on a Friday back in August 1995 when Jim Ridler, then 35 years old, had been out doing some errands. He was returning to his home in a small town in Minnesota on his motorcycle when a minivan coming from the opposite direction swerved right into his lane. It hit Jim head on. It threw him more than 200 feet into a ditch. He broke his neck, his collarbone, his hip, several ribs, all of the bones in both legs. It ripped the muscles right through his arm.

Over the next 4 months, after a dozen surgeries, he still did not know wheth-

er he would ever walk again. When he got a phone call from his lawyer who had started legal proceedings against the driver of that minivan who had swerved into his path, that call that he got from his lawyer really shook him up.

"I am afraid I have got some bad news for you," said his lawyer. He told Jim that even if Jim won his lawsuit, his health plan, his HMO, wanted to take a big chunk out of what they had spent on his care.

"You are joking, right?" said Jim.

"Nope," said the lawyer.

Jim's health plan had a clause in its contract that allowed the HMO to stake a claim in his settlement, a claim known in insurance as subrogation.

"So I pay the premium, and then something happens that I need the insurance for, and they want their money back?" Ridler asked incredulously. "The way I figure it, my health insurance is just a loan."

Well, Ridler eventually settled his lawsuit for \$450,000, which was all the liability insurance available. His health plan then took \$406,000, leaving him after expenses with a grand total of \$29,000.

Jim said, "I feel like I was raped by the system," and I guess I can understand his point of view.

I doubt that my colleagues know, and I doubt that most people know, that they have what are called subrogation clauses in their contracts that mean that if they have been in an accident and they try to recover from a negligent individual, like the person who almost killed Ridler, that their HMO can go after that settlement.

Now, Mr. Speaker, originally subrogation was used for cases in which care was provided to patients who had no health insurance at all, but who might receive a settlement due to somebody else's negligence. However, HMOs are now even seeking to be reimbursed for care that they have not even paid for.

Susan De Garmos found that out 10 years ago when her HMO asked for reimbursement on her son's medical bills. In 1990 her son, Stephen De Garmos, who was age 10 at that time, was hit by a pickup truck while riding his bike to football practice near his home in West Virginia. That accident left him paralyzed from the waist down. His parents sued the negligent driver; and they collected \$750,000 in settlement, plus \$200,000 from the underinsured motorist policy. Now, remember, this little boy is paralyzed for the rest of his life.

Well, the Health Plan of Upper Ohio Valley wanted \$128,000 in subrogation for Stephen's bills. It so happens that Stephen's mother thought that amount was high, so she phoned the hospital in Columbus, Ohio, where Stephen had been treated; and she got an itemized list of the charges.

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What she found out infuriated her. The HMO had paid much less than the

\$128,000 it was now seeking from her son, her paralyzed son's settlement.

Mrs. DeGarmo had found another dirty little secret of managed care, and that was that HMOs often use subrogation to go after a hospital's billed charges, the fee for full paying patients, even though the HMO gets a discount off the bill charges.

According to DeGarmo's lawyer, the health plan of Upper Ohio Valley actually paid about \$70,000 to treat Steve. That meant they were trying to take \$50,000 that they had not even paid for from Steve's settlement. They were going to make money off this little boy who had been paralyzed.

When the DeGarmos refused to pay, get this, the HMO had the gall to sue them.

Well, others found out about this HMO's action and in 1999 the HMO, that HMO, settled suits for \$9 million among roughly 3,000 other patients that they had treated like the DeGarmos.

Now, when HMOs get compensation in excess of their costs, I believe they are depriving victims of funds that those victims need to recover. This subrogation process has even spawned an industry of companies that handle collections for a fee. It could be 25 to 33 percent of the settlement. The biggest of these subrogation companies is Louisville, Kentucky-based Health Care Recoveries, Inc. Last year, Health Care Recoveries, Inc., of Louisville, whose biggest customer, not surprisingly is United Health Care, recovered \$226 million from its clients and its usual cut was 27 percent.

According to one former claims examiner for HRI, Steve Pope, the company is so intent on maximizing collections that it crosses the line into questionable perhaps.

Take the case of 16-year-old Courtney Ashmore, who had been riding a four-wheeler on a country road near her home by Tupelo, Mississippi. The owner of the bordering land had strung a cable across the road. You guessed it. Courtney ran into it and almost cut off her head.

Her family collected \$100,000 from the property owner. Their health plan paid \$26,000 for Courtney's medical care. Steve Pope, the claims examiner for HRI, that Louisville, Kentucky, company, contacted the family's lawyer and wanted the \$26,000 back.

Well, the lawyer was no dummy. He asked for a copy of the contract showing the subrogation clause. Well, HRI could not find a copy of the contract so Mr. Pope was told by his supervisor at HRI to send out a page from a generic contract that did have a subrogation clause in it, and later Mr. Pope found out that Courtney's health plan did not, in fact, mention subrogation.

Still he has testified he was told to pursue the money anyway. Let me repeat that. This employee of this company in Louisville, Kentucky, the right-hand man company for United Health Care, was told to go after part

of this little girl's settlement even though they did not have a subrogation clause in the contract.

Mr. Pope has testified, quote, these practices were so widespread and I just got tired of being told to cheat and steal from people, unquote.

Mr. Speaker, the notion that subrogation should be prohibited or at least restricted is gaining ground. Twenty-five States have adopted doctrine that injured people get fully compensated before health plans, HMOs, can collect any share of personal injury money.

In March, a Maryland appeals court went even further. It ruled that the State's HMO act prohibits managed care companies from pursuing subrogation at all. The Court said, quote, an HMO by its definition provides health care services on a prepaid basis. A subscriber has no further obligation beyond his or her fee, unquote.

So what did the Senate GOP bill do to address this problem with subrogation? Did the Senate GOP bill try to make the system more fair for patients? Did it protect those State laws which are being passed to prevent subrogation abuses by HMOs? Oh, no, Mr. Speaker. The Senate GOP bill goes even further than subrogation in protecting HMOs. It says that the total amount of damages to a patient like Jim Ridler or Steve DeGarmo or Ashley Courtland could be reduced by the amount of care costs whether they have a subrogation clause in their contract or not.

In other words, the Senate GOP bill passed a few weeks ago would preclude State laws being passed on subrogation entirely, and over in the Senate they say, oh, we are for States' rights; we do not want to take away the States rights to regulate insurance? And in their bill they do exactly that.

If that were not enough of a sop to the HMO industry, the Nickels bill says that the reduction in the award would be determined in a pretrial proceeding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). The Chair will caution the gentleman that it is not in order to characterize Senate action or to otherwise cast reflection on the Senate.

Mr. GANSKE. In talking about other legislation on Capitol Hill, the bill that passed a couple of weeks ago says that the reduction in the award would be determined in a pretrial proceeding and that any evidence regarding this reduction would be inadmissible in a trial between the injured patient and the HMO.

Well, what does that mean? Well, let us say that one is hit by a drunk driver while crossing the street and one's HMO subsequently refuses to pay for necessary physical therapy even though these are covered services under one's employer plan.

So one files two separate lawsuits, one against the drunk driver in the State court and the other against the

HMO in the Federal court because the HMO is not treating one fairly.

Let us say the civil case against the drunk driver is delayed because criminal charges are prevailing against him. If the Federal case, the one against the HMO, proceeds to trial under the bill that passed a couple of weeks ago, the Federal judge would have to guess how much a State jury would award one, and the Federal judge would have no way of knowing what one actually could collect.

This collateral source damages rule would leave patients uncompensated for very real injuries. For example, if one is injured in a car accident by another driver who has a \$50,000 insurance policy but one has medical costs of \$100,000 that one's HMO refuses to cover, when one goes to collect the \$50,000 from the negligent driver they might get nothing. Why? Because whether one has brain damage or broken legs or one's loved one is dead, one gets nothing because under the bill that passed a couple of weeks ago the HMO gets to collect all \$50,000, even though it denied one necessary medical care for their injuries and one does not get a penny.

Mr. Speaker, bills that have passed in the other body that value the financial well-being of HMOs more than the values and well-being of the patient do not deserve the name "patient protection."

We passed a strong bill in this House. That is what we should be working on. We can do better than what has been done recently. The voters are watching.

Now, Mr. Speaker, the Congressional leadership is trying to limit damages by putting \$300,000 caps on awards. Many times I have stood on this floor and talked about a mother, for instance, who has been mistreated by her HMO and lost her life. I want to ask, is that mother's life worth \$350,000?

How many times have I stood on this floor talking about a little boy in Atlanta, Georgia, whose HMO was responsible for his losing both of his hands and both of his feet, the rest of his life, no hands, no feet? And they want to put a cap of \$350,000 on that? That little boy, when he grows up and gets married, will never be able to touch the face of the woman that he loves with his hand.

I am sorry, Mr. Speaker, but that is a travesty. People who put those kind of provisions in bills that deal with patient protection should be ashamed of themselves.

THE RESULTS OF TOBACCO, A TOUGH PRICE TO PAY

Mr. GANSKE. Now, Mr. Speaker, I want to move on to another topic, a number one public health problem. I think that HMO patient protection is very important, but the reason that this House is out tonight is because we are having the Congressional baseball game. I think that is a good thing, a little bit of bipartisanship, have a nice competition, but I will say what is going on on that baseball field right

now. There are colleagues of ours that are chewing tobacco, and they are spitting that tobacco out there and there are a bunch of little kids that are in that audience and they are looking at dad out there chewing and spitting that tobacco and they are thinking, boy, that is kind of a neat thing.

There are over 1 million high school boys in this country who chew tobacco. They probably watch some of the baseball stars do it. They certainly have been enticed to do it by the tobacco companies.

Before I came to Congress, I was a reconstructive surgeon and I can say about some of the patients that I took care of who chewed that tobacco, who ended up with cancer of their gums and cancer of their jaw and I had to remove their lower jaws, and they ended up like Andy Gump, cannot talk right, if at all. They end up breathing through a hole in their windpipe. That is a stiff price to pay for watching somebody chewing tobacco that one respects.

Mr. Speaker, more than 400,000 people die prematurely each year from diseases attributable to tobacco use in the United States alone. Tobacco really is the Grim Reaper. More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicide, suicides, fires, alcohol and illegal drugs combined.

More people in this country die in one year from tobacco than all the soldiers killed in all of the wars that this country has fought.

Treatment of these diseases will continue to drain over \$800 million from the Medicare Trust Fund. The VA spends more than one half billion dollars annually on inpatient care of smoking-related diseases, but these victims of nicotine addiction are statistics that have names and faces.

Mr. Speaker, about a month or two ago I was talking to a vascular surgeon who is a friend of mine in Des Moines, Iowa. He looked pretty tired. I said, "Bob, you must be working pretty hard these days."

He said, "Greg, yesterday I went to the operating room at about 7:00 in the morning. I operated on three patients. I finished up about midnight and every one of those patients I had to operate on to save their legs."

I said, "Were they smokers, Bob?"

He said, "You bet. And the last one that I operated on was a 38-year-old woman who would have lost her leg to arteriosclerosis caused by heavy tobacco use."

I said, "Bob, what do you tell those people?"

He said, "Greg, I talk to every patient, every peripheral vascular patient that I have, and I try to get them to stop smoking. I ask them a question, I say, if there were a drug available on the market that they could buy that would help save their legs, that would help prevent them from having coronary artery bypass surgery, that would significantly decrease their chances of having lung cancer or losing their larynx, would they buy that drug?"

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Every one of those patients say, you bet I would buy that drug and I would spend a lot of money for it. Do my colleagues know what he says to those patients then, my friend, the vascular surgeon? He says, well, you know what? You can save an awful lot of money by quitting smoking, and it will do exactly the same thing as that magical drug would have done.

Mr. Speaker, my mom and dad were both heavy smokers, and they are only alive today because coronary artery bypass surgery saved their lives; and they have finally stopped smoking. I will never forget some patients that I took care of in the VA hospital. They had a disease called thromboangitis obliterans.

Now, I have talked about this on the floor a couple of times in the past, and we got some phone calls from constituents. They said, what are you talking about? I have never heard of this disease. Well, this is a disease that really happens, and I really took care of this patient I am about to describe. Basically, these people are addicted to tobacco, and it sets up sort of an allergic reaction to the small vessels in their fingers, in their hands, and in their feet, and those vessels clot off, they thrombose, and they start to lose one finger after another.

I remember taking care of one patient who had lost both lower legs, he had lost all of the fingers in one hand, and he only had one finger left on his right hand, all due to that disease caused by his tobacco addiction. Do my colleagues know what he had done? He had a little wire loop made that he could put one loop over his one remaining finger and then a nurse or somebody, a friend, could stick a cigarette in the loop at the other end of that wire and then he could smoke. He knew that he could stop that disease from progressing and taking his fingers and his hand and his feet if he would just stop smoking.

Mr. Speaker, he could not. Tobacco is one of the most addicting substances that we know of, nicotine and tobacco, we know that. It is as addicting as cocaine; it is as addicting as morphine and heroin.

Statistics show the magnitude of this problem. Over a recent 8-year period, tobacco use by children increased 30 percent. More than 3 million American children and teenagers now smoke cigarettes. Every 30 seconds, a child in the United States becomes a regular smoker. The sad fact is, Mr. Speaker, that each day, 3,000 kids in this country start smoking. Each day, 1,000 of those kids will die of a disease related to smoking tobacco.

So why did it take a life-threatening heart attack to get my folks to quit smoking? I nagged at them all the time. It took that near-death experience to get them to quit. Why would my patient with that one finger not quit smoking? Why do fewer than one in seven adolescents quit smoking, even though 70 percent regret starting?

I say to my colleagues, it is sadly because of that addictive nature of the drug nicotine that is in tobacco. The addictiveness of tobacco has become public knowledge in recent years as a result of painstaking scientific research that demonstrates that nicotine is similar to amphetamines, cocaine, and morphine. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin; and recent tobacco industry deliberation show that the tobacco industry knew about this a long time ago. Those tobacco CEOs who testified before Congress raised their right hands and took an oath to tell the truth. When they testified that tobacco was not addicting, they were committing perjury, Mr. Speaker.

Internal tobacco company documents dating back to the early 1960s show that tobacco companies knew of the addicting nature of nicotine, but they withheld those studies from the Surgeon General. A 1978 Brown & Williamson memo stated that very few customers are aware of the effects of nicotine, i.e., its addictive nature and that nicotine is a poison. A 1983 Brown & Williamson memo stated that nicotine is the addicting agent in cigarettes. Indeed, the industry knew that there was a threshold dose of nicotine necessary to maintain addiction.

A 1980 Lorillard document summarized the goals of an internal task force whose purpose was not to avert addiction, but to maintain addiction. It said, "Determine the minimal level of nicotine that will allow continued smoking. We hypothesize that below some very low nicotine level, diminished physiological satisfaction cannot be compensated for by psychological satisfaction. At that point, smokers will learn to quit or return to higher tar and nicotine brands."

Mr. Speaker, we also know that for the past 30 years, the tobacco industry manipulated the form of nicotine in order to increase the percentage of "free base" nicotine delivered to smokers as a naturally occurring base; and I have to say, Mr. Speaker, this takes me back to medical school, biochemistry. Nicotine favors the salt form at its lower PH levels, and the free base form at its higher levels.

So what does that mean? Well, the free base nicotine crosses the alveoli in the lungs faster than the bound form, thus giving the smoker a greater kick, just like the druggie who free bases cocaine, and the tobacco companies knew that very well.

In 1966, British American Tobacco, BAT, reported, "It would appear that the increased smoker response is associated with nicotine reaching the brain more quickly. On this basis, it appears reasonable to assume that the increased response of a smoker to the smoke with a higher amount of extractable nicotine, not synonymous with, but similar to free-based nicotine, may be either because this nicot-

tine reaches the brain in a different chemical form, or because it reaches the brain more quickly."

Tobacco industry scientists were well aware of the effect of PH on absorption and on the physiological response. In 1976, RJR reported, "Since the unbound nicotine is very much more active physiologically and much faster acting than bound nicotine, the smoke in PH seems to be strong in nicotine." Therefore, the amount of free nicotine in smoke may be used for at least a partial measure of the physiologic strength of the cigarette.

Indeed, Mr. Speaker, Philip Morris commenced the use of ammonia in their Marlboro brand in the 1960s in order to raise the PH of its cigarettes, and it subsequently emerged as the leading brand.

So, by reverse engineering, the other manufacturers caught on to Philip Morris's nicotine manipulation, and they copied it. The tobacco industry hid the fact that nicotine was an addicting drug for a long time, even though they privately called cigarettes "nicotine delivery devices."

Claude E. Teague, assistant director of research at RJR said in a 1972 memo, "In a sense, the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine designed to deliver the nicotine in a generally acceptable and attractive form. Our industry is then based upon the design, manufacture, and sale of attractive forms of nicotine."

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER.)

Mr. DREIER. Mr. Speaker, I would like to thank the gentleman for allowing me to take this time to congratulate him on his effort. While our Republican colleagues are at this point out working on a stunning victory over our Democratic colleagues on the baseball field, the Committee on Rules is hard at work; and I know my friend from Iowa is working hard too, and I thank him.

Mr. GANSKE. Mr. Speaker, I have a bill before Congress that would basically allow the FDA to prevent the tobacco companies from marketing and targeting children. It is not a tax increase bill, it is not a prohibition bill, it simply addresses the Supreme Court's decision which says, Congress must give the FDA authority for the FDA to regulate, to issue regulations that would prevent tobacco companies from marketing and targeting kids. We have 95 bipartisan cosponsors on that bill.

Mr. Speaker, I want to continue on about tobacco, because I came across an article in the July 31 issue of Newsweek magazine, and it is entitled "Big Tobacco's Next Legal War." I wanted to bring this to the attention of my

colleagues. I sit on the Committee on Commerce, and we held hearings on tobacco a couple years ago when Senator McCain had his tobacco bill outstanding and we were looking at a tobacco bill here in the House. The tobacco companies said, if you raise the tax on tobacco, that will create a black market, and a lot of smuggling and illegal activities, i.e., look at what happened in Canada.

Well, since that testimony, it turns out that it was the tobacco companies who were involved in the smuggling. This is an amazing story. I would highly recommend it to my colleagues. It is called "Tobacco's Next War," Newsweek magazine, July 31. I just need to read a few of the excerpts from this article.

This is a quote from the article: "For cigarette salesman Leslie Thompson, 1993 was an especially good year. A star employee with Northern Brands International, a tiny 4-person export outfit owned by the tobacco giant RJR Nabisco, Thompson sold an astonishing 8 billion cigarettes that year, reaping about \$60 million in profits. Walking the company's halls, Thompson received a standing ovation from RJR executives who had gotten hefty bonuses as a result of his work. On his wrist he flashed a Rolex, a gift from grateful wholesalers."

"These days, Thompson's name is no longer greeted with applause in the tobacco industry. He and other former executives are soon to be quizzed by Federal prosecutors about the shady side of the cigarette business. Newsweek has learned that a Federal grand jury in North Carolina is investigating explosive allegations about links between major cigarette makers and global smuggling operations that move vast quantities of cigarettes across borders without paying any taxes. It is a multibillion-dollar-a-year enterprise.

"The grand jury deliberations spotlight a new round of legal troubles for big tobacco. The proceedings are secret and it could not be learned which companies are under scrutiny. The U.S. Attorney in Raleigh, North Carolina declined to comment. Cigarette makers are under attack from governments around the world that seek to hold them responsible for the costs of smuggling: billions in lost taxes, soaring violence, and weakened efforts to prevent kids from smoking."

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Last week, the European Union announced that it plans to launch a civil suit against U.S. cigarette makers for their alleged involvement in smuggling. In the last 8 months, Canada, Colombia, and Ecuador have all filed smuggling suits against American tobacco companies using U.S. anti-racketeering laws.

Britain, Italy, China have also mounted extensive investigations. The Canadian and European investigators are cooperating closely with their U.S. counterparts building a case against

the industry. The World Bank and World Health Organization plan to release the results of the 3-year investigation claiming the tobacco industry has deliberately thwarted international efforts to control the tobacco trade.

In the United States, Thompson is expected to be an important witness in the Grand Jury proceedings. In February, he began serving a 6-year sentence in Federal prison after pleading guilty to money laundering related to the smuggling case.

American and Canadian prosecutors charged that Thompson racked up his impressive sales numbers through his involvement with smugglers who shipped billions of RJR cigarettes into Canada. On the books, everything looked legitimate. But once over the border, the cigarettes were passed on to black marketers, evading high Canadian cigarette taxes.

Investigators believe this soft-spoken 52-year-old family man was merely a bit player in the global smuggling scene. Before his sentencing and in press interviews before he went to prison, he said he operated with the knowledge and encouragement of his superiors.

His case has given prosecutors a road map of how the underground trade works. His company MBI was located inside R.J. Reynolds' Winston Salem, North Carolina headquarters. To the public Thompson's job was to sell Export A's, a leading Reynolds brand in Canada. But the Canadian government charges MBI was nothing more than a shell company that supplied smugglers with cigarettes.

According to court documents and Thompson's own testimony, Thompson shipped millions of cartons of Export A's from Canada and Puerto Rico to the United States where virtually no one smokes them. The crates were then diverted to a Mohawk reservation on the U.S.-Canadian border, the secret staging ground for the operation.

Smugglers on the reservation built huge warehouses to stockpile the cigarettes. After dark, a flotilla of speed boats would ferry the cargo across the Saint Lawrence River to the Canadian side of the reservation. The cigarettes were then sold on the black market, skirting Canada's cigarette taxes.

In 1994, Canadian politicians were so horrified by the brazenness of the law breakers that the government rolled back the cigarette taxes, and that slowed down the smuggling.

MBI worked out a plea bargain with U.S. prosecutors and paid \$15 million in fines and forfeitures. In a related Canadian proceeding against Thompson, the prosecutors made it clear that he believed that the tobacco company had hung its former employee out to dry. In other words, he was a little guy, so he was going to get the 6-year term in jail while his superiors who knew about those tobacco CEOs for RJR, they skate free with their big bonuses.

"Thompson was not on a lark of his own here, he told the court. He did not

commit this crime by himself. His acts were part and parcel of a corporate strategy developed largely by other senior executives who closely monitored his work."

We then have reports in the British press that have focused attention on the alleged role of British-American tobacco in foreign smuggling operations drawing on internal company documents recently made public.

The British House of Commons, the equivalent of our House of Representatives, has recommended that the British government launch a formal investigation into the allegations. One set of documents highlighted by English anti-smoking groups they say indicates that the company went out of its way to bill market share by encouraging smuggling.

Those pages, culled from vast archives, suggest that the company was aware of just how many of its own cigarettes were being smuggled. The 1993 through 1997 marketing plan for one of BAT's key subsidiaries included projected profits from what are called "general trade" cigarettes. These are cigarettes where taxes are not paid on them.

The document describes plans to "grow our business" in "general trade" countries, including China and Vietnam where most foreign-made cigarettes are illegal.

Anti-smoking activists say that general trade is industry jargon for smuggled cigarettes. Another BAT document they focus on suggests that the company closely monitored the smuggling of its brands. Records show it tracking how cigarettes entered Vietnam "from sailors, 40 percent; from fisherman, 25 percent; from smuggling by sea, 35 percent."

Mr. Speaker, Mr. Thompson was the first to go to jail, but given all the heavy guns trained on the industry, I doubt that he will be the last.

I would ask this of my colleagues, especially my colleagues and the chairman of the Committee on Commerce on which I sit, we have ample evidence that the tobacco companies have been smuggling cigarettes and breaking the law. It is time for the oversight committee of the Committee on Commerce to hold a full-scale investigation into this corrupt practice, another example of how tobacco companies have not really shot straight with the American public.

Mr. Speaker, I have talked briefly tonight about patient protection legislation, something we need to get done before we recess, a piece of legislation modeled after what passed the House. Neither the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), nor I who wrote the bill that passed with 275 votes have ever said that it has to be every word our way or the highway. We have never said that. We have always said that we would be willing to sit down and try to achieve a compromise.

Unfortunately, the Speaker of this House decided not to appoint to the

conference committee the two Republicans, the gentleman from Georgia (Mr. NORWOOD) and myself, who wrote the bill that passed this House with 275 votes, thus precluding our efforts to try to achieve a compromise to get a strong piece of legislation passed. But we are still available, and we are still working.

I actually am optimistic about the chances of getting true patient protection legislation passed because, as I look at the vote in the Senate, I think we now have 50 supporters plus for the bill that passed this House. I expect that, when that bill comes up again in the Senate after the August recess, we very well may see that the bill that passed the House with 275 votes also passes the Senate, and I am sure the President will sign that.

On the matter of tobacco, I see very little movement in the House even though the gentleman from Michigan (Mr. DINGELL) and I have 95 cosponsors for a bill that would simply allow the FDA the authority to regulate an addicting substance, as I said, not to increase taxes and not to prohibit the substance, but to make sure that those tobacco companies which have marketed and targeted kids 14 and younger cannot get away with that in the future.

Well, I remain optimistic that, as we continue to work on these issues, we will make progress. I sincerely thank all of my colleagues from both sides of the aisle who have shown so much interest in actually achieving true and real reform legislation in both of these areas.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. DREIER (during the Special Order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106-795) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, which was referred to the House Calendar and ordered to be printed.

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RECESS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REYNOLDS) at 11 o'clock and 28 minutes p.m.

LEGISLATIVE PROGRAM

Mr. DREIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of explaining the schedule for the rest of the evening and tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, it is our intention to have the House recess until 7 a.m. tomorrow, at which time we hope to file H.R. 4516, the Legislative Branch Appropriations bill conference report. Then, the Committee on Rules hopes to meet at 8:30 a.m., at which time we will consider the rules on both the Legislative Branch conference report for H.R. 4516; the adjournment resolution; and the Child Support Distribution Act, H.R. 4678. At that time, the House, after the filing of those rules, would adjourn, and the House would then convene at 10 a.m. tomorrow and we would consider the bills that I have just mentioned, the 3 measures that I have just mentioned, as well as continue work on the District of Columbia Appropriations bill and H.R. 4865, the Social Security Benefits Tax Relief Act.

Mr. Speaker, that is our intention at this point.

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RECESS

Mr. DREIER. Mr. Speaker, I move that the House recess until 7 a.m. tomorrow, July 27, 2000.

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 7 a.m. tomorrow, July 27, 2000.

Accordingly (at 11 o'clock and 30 minutes p.m.), the House stood in recess until 7 a.m. on Thursday, July 27, 2000.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9375. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Recipient Claim Establishment and Collection Standards (RIN 0584-AB88) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9376. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions [OPP-301023; FRL-6597-1] (RIN: 2070-AB78) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9377. A communication from the President of the United States, transmitting the request and availability of appropriations for the Low Income Home Energy Assistance Program of the Department of Health and Human Services; (H. Doc. No. 106-274); to the Committee on Appropriations and ordered to be printed.

9378. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Air Force, Department of Defense, transmitting notification that the Commander of Anderson Air Force Base (AFB), Guam, has conducted a cost comparison to reduce the cost of the Supply and Transportation function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

9379. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State, the Annual Report on the Panama Canal Treaties, Fiscal Year 1999, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.

9380. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report on the Feasibility Study on Department of Defense Electronic Funds Transfer Process; to the Committee on Armed Services.

9381. A letter from the Akternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Nonavailability Statement Requirement for Maternity Care—received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9382. A letter from the Secretary of Transportation, transmitting the Sixth Annual Report Required Pursuant to the National Shipbuilding and Shipyard Conversion Act of 1993; to the Committee on Armed Services.

9383. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the 1999 Annual Report of the Resolution Funding Corporation, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

9384. A letter from the Secretary of the Treasury, transmitting the Report on the Audited Fiscal Years 1999 and 1998 Financial Statements of the United States Mint; to the Committee on Banking and Financial Services.

9385. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Effective Alternative Strategies: Grant Competition to Reduce Student Suspensions and Expulsions and Ensure Educational Progress of Students who are Suspended or Expelled—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9386. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Middle School Drug Prevention and School Safety Program Coordinators Grant—received July 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9387. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting two opinions for the United States Court of Appeals for the District of Columbia, concerning: Tax Analysts v. Internal Revenue Service and Christian Broadcast Network, Inc. and Brandon Calloway, et al. v. District of Columbia, et al.; to the Committee on Education and the Workforce.

9388. A letter from the Director Congressional Relations, Consumer Product Safety Commission, transmitting the Commission's Annual Report for Fiscal Year 1999, pursuant to 15 U.S.C. 2076(j); to the Committee on Commerce.

9389. A letter from the Assistant General Counsel for Regulatory Law, Office of the Environment, Safety & Health, Department

of Energy, transmitting the Department's final rule—Guidelines for Preparing Criticality Safety Evaluations at Department of Energy Non-Reactor Nuclear Facilities [DOE-STD-3007-93, Change Notice No. 1] received June 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR) and Revisions to State Primacy Requirements to Implement the Safe Drinking Water Act (SDWA) Amendments [FRL-6715-4] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9391. A letter from the Associate Bureau Chief, Wireless Telecommunication, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 0, 80 and 90 of the Commission's Rules to make the Frequency 156.250 MHz available for Port Operations purposes in Los Angeles and Long Beach, CA Ports [WT Docket No. 99-332, FCC 00-220] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9392. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Well Category Determinations [Docket No. RM00-6-000; Order No. 616] received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9393. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 1998 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

9394. A letter from the Director, Regulations Policy and Management, Food and Drug Administration, transmitting the Administration's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 98F-0165] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9395. A letter from the Secretary of Commerce, transmitting the second annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Commerce.

9396. A letter from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Guidance on Mini-Tender Offers and Limited Partnership Tender Offers—received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9397. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00-47), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9398. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Thailand for defense articles and services (Transmittal No. 00-48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9399. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Republic of Korea for defense articles and services (Transmittal No. 00-55), pursuant to 22 U.S.C.

2776(b); to the Committee on International Relations.

9400. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Federal Republic of Germany (Transmittal No. 06-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9401. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Sweden (Transmittal No. 05-00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9402. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 09-00 which constitutes a Request for Final Approval for the Amendment II to the Medium Extended Air Defense System (MEADS) Project Definition/Validation (PD/V) Memorandum of Understanding for the MEADS Risk Reduction Effort (RRE) with the Federal Republic of Germany and the Republic of Italy, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada, Australia and New Zealand [Transmittal No. DTC 079-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9404. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 92-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9405. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany, NATO, Sweden, Switzerland, Austria, and Thailand [Transmittal No. DTC 059-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9406. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy [Transmittal No. DTC 90-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9407. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 085-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and/or defense services sold commercially under a contract to Japan [Transmittal No. DTC 084-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9409. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 091-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9410. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 088-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 36-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9412. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Reexports to Serbia of Foreign Registered Aircraft Subject to the Export Administration Regulations [Docket No. 000717209-0209-01] (RIN: 0694-AC26) received July 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9413. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9414. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of Inspector General for the period September 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program Accomplishments Report for FY 1999, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9416. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1999, through March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9417. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

9418. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

9419. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978 for the period October 1, 1998–September 30, 1999, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

9420. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the Federal Acquisition Regulation (FAR) to implement the Sections 411-417 of the Small Business Reauthorization Act of 1997 (RIN: 9000-AI55) received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9421. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 071400C] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9422. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-AB59) received July 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9423. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a report on an environmental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizona; to the Committee on Transportation and Infrastructure.

9424. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's Final rule—Exemption of SBIR/STTR Phase II Contracts from Interim Past Performance Evaluations Under FAR Part 42—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9425. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revises the Final Reports under NASA Research and Development Contracts—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9426. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: Motor Vehicle Industry Service Technician Tool Reimbursements (UIL 62.15-00) received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9427. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000-40] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9428. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000-38] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9429. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries Lease Stripping Transactions [UIL 9226.00-00] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9430. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting two opinions of the United States Court of Appeals for the District of Columbia Circuit, concerning: Tax Analysts v. Internal Revenue Service and Christian Broadcast Network, Inc. and Brandon Calloway, et al. v. District of Columbia, et al.; to the Committee on Ways and Means.

9431. A letter from the Board Members, Railroad Retirement Board, transmitting the 2000 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of July 25, 2000]

Mr. TALENT: Committee on Small Business. H.R. 4530. A bill to amend the Small Business Investment Act of 1958 to direct the Administrator of the Small Business Administration to establish a New Market Venture Capital Program, and for other purposes (Rept. 106-785). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 26, 2000]

Mr. ARCHER: Committee on Ways and Means. H.R. 4844. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 106-777 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 4678. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; with an amendment (Rept. 106-793 Pt. 1).

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 99. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (Adverse Rept. 106-794). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 564. Resolution providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits (Rept. 106-795). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on the Judiciary and Education and the Workforce discharged. H.R. 4678 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION ON REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4678. Referral to the Committees on the Judiciary and Education and the Workforce extended for a period ending not later than July 26, 2000.

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MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

433. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 189 memorializing the Congress of the United States to investigate the rapid increase in gasoline prices and to take immediate action; to the Committee on Commerce.

434. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 35 memorializing the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards; to the Committee on Commerce.

435. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 72 memorializing the United States Congress and the President to enact statutory provisions which would permit additional states to establish private long-term care insurance programs with asset protection features similar to the New York State Partnership for Long-Term Care, in order to stimulate the development of an expanded private long term care insurance market nationwide; to the Committee on Commerce.

436. Also, a memorial of the Legislature of the State of Alaska, relative to CSSenate Joint Resolution No. 39 L.R. No. 38 memorializing the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; to the Committee on Resources.

437. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to fully fund the Ricky Ray Hemophilia Relief Fund Act of 1998 in the year 2000 so that there is no delay between the authorization and timely appropriation of this relief; to the Committee on the Judiciary.

438. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 27 memorializing Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes; to the Committee on the Judiciary.

439. Also, a memorial of the Legislature of the State of Alaska, relative to CS House Joint Resolution No. 48 L.R. No. 40 memorializing the United States Congress to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to exempt from the requirements of sec. 110 of that Act Canadian citizens who enter at land border crossing stations along the border between the United States and Canada; and further requesting that additional resources are provided to adequately facilitate the free flow of people and the fair trade of goods and services across the border between the United States and Canada; to the Committee on the Judiciary.

440. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 58 memorializing the President and the Congress of the United States to enact H.R. 271 of 1999, the Justice for Holocaust Survivors Act, which would permit U.S. citizens who are victims of the Holocaust, whether or not they were U.S. citizens during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts of law; to the Committee on the Judiciary.

441. Also, a memorial of General Assembly of the State of New Jersey, relative to Resolution No. 48 memorializing Congress to enact H.R. 2456, The Marriage Tax Elimination Act; to the Committee on Ways and Means.

442. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 27 memorializing the Congress of the United States to maintain its commitment to America's retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as legislation to require opening the Federal Employees Health Benefits Program to those eligible for Medicare; jointly to the

Committees on Armed Services and Government Reform.

443. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 308 memorializing the President, the United States Congress and the Surgeon General to establish a small National Public Health Service Hospital on Guam to provide free health care to medically indigent patients on Guam because of Federal law; to provide additional doctors and nurses through the National Public Health Service for the purpose of caring for medically indigent patients; or to appropriate four million dollars annually to the Guam Memorial Hospital to defray costs; jointly to the Committees on Commerce and Resources.

444. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 133 memorializing the Congress of the United States to provide adequate funding for Michigan's remedial action plans for areas of concern under the Great Lakes Water Quality Agreement; jointly to the Committees on Transportation and Infrastructure and Commerce.

445. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 22 memorializing the Congress to instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been ac-

complished; and further urging the President of the United States and Congress to act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; jointly to the Committees on Ways and Means and Commerce.

446. Also, a memorial of the Senate of the State of Michigan, relative to Senate Joint Resolution No. 153 memorializing the Congress of the United States to enact legislation to remove the time limit for medicare coverage for immunosuppressive drugs; jointly to the Committees on Ways and Means and Commerce.

447. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 20 memorializing Congress to stop the collection of certain kinds of information from patients in a home health care setting; jointly to the Committees on Ways and Means and Commerce.

448. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution memorializing Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas; jointly to the Committees on Commerce, Agriculture, and the Judiciary.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

99. The SPEAKER presented a petition of Essex County Board of Supervisors, Essex, NY, relative to Resolution No. 100 supporting the Heritage Corridor-Champlain Valley Economic Initiative; to the Committee on Resources.

100. Also, a petition of City of Detroit City Council, Detroit, MI, relative to a Resolution in support of reparations to descendants of African/African American Slaves and petitioning the United States Congress to convene hearings on the issue of reparations, in support of legislation to authorize such reparations; to the Committee on the Judiciary.

101. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a Resolution supporting the Stebenow Bill, H.R. 3144, and urges its immediate passage; to the Committee on the Judiciary.

102. Also, a petition of City of Kaktovik, Office of the Mayor, relative to Resolution No. 00-04 petitioning the United States Congress to support the Conservation and Reinvestment act of 1999: H.R. 701 and S. 2123; jointly to the Committees on Resources, Agriculture, and the Budget.

NOTICE

The House is in Recess.

The balance of today's proceedings will be continued in the next issue.